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COUNTY OF SAN LUIS OBISPO FOR OFFICIAL USE ONLY (jc)
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED01-347

DATE: August 23, 2002

PROJECT/ENTITLEMENT: Pierson Parcel Map; CO01-0070/S000385P

APPLICANT NAME: David Pierson
ADDRESS: PO Box 1833, Rancho Santa Fe, CA 92067
CONTACT PERSON: David Williams Telephone: (760) 715-6161

PROPOSED USES/INTENT: A request to subdivide an approximate 635 acre parcel into three parcels consisting of 2 parcels of approximately 160 acres each and 1 parcel of approximately 155 acres for the sale and/or development of each proposed parcel

LOCATION: Approximately 2,000 feet north of Highway 58, immediately southwest of Huer Huelo Creek, west of the community of Santa Margarita

LEAD AGENCY: County of San Luis Obispo Address: Planning & Building Dept. (Rm. 310) County Government Center San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting someone at the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on September 6, 2002 (Circle one) 20-DAY 30-DAY PUBLIC REVIEW PERIOD ENDS AT 5 p.m. on September 12, 2002

Notice of Determination

State Clearinghouse No.

This is to advise that the San Luis Obispo County as Lead Agency Responsible Agency approved/denied the above described project on and has made the following determinations regarding the above described project.

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo, County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature Title Date Public Agency



**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. CO01-0070 (David Pierson) ED01-347

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics           | <input checked="" type="checkbox"/> Geology and Soils           | <input type="checkbox"/> Recreation                  |
| <input type="checkbox"/> Agricultural Resources          | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Transportation/Circulation. |
| <input type="checkbox"/> Air Quality                     | <input type="checkbox"/> Noise                                  | <input type="checkbox"/> Wastewater                  |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing                     | <input type="checkbox"/> Water                       |
| <input type="checkbox"/> Cultural Resources              | <input type="checkbox"/> Public Services/Utilities              | <input type="checkbox"/> Land Use                    |

Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- The proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared by(Print) \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Ellen Carroll,  
Environmental Coordinator

Reviewed by(Print) \_\_\_\_\_ Signature \_\_\_\_\_ (for) \_\_\_\_\_ Date \_\_\_\_\_

### **Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

### **A. PROJECT**

**DESCRIPTION:** - Proposal by David Pierson/EDA for a subdivision of a 635 acre site into three parcels of 160 acres each and one parcel of 155 acres. The project is located approximately 2,000 feet north of State Route 58, southwest of the Huer Heuro Creek, west of the community of Santa Margarita, in the El Pomar-Estrella planning area.

**ASSESSOR PARCEL NUMBER(S):** 043-291-010

**SUPERVISORIAL DISTRICT** 5

### **B. EXISTING SETTING**

**PLANNING AREA:** El Pomar-Estrella

**LAND USE CATEGORY:** Rural Lands

**COMBINING DESIGNATION(S):** Flood Hazard, Energy and Extraction Area

**EXISTING USES:** Unimproved vacant land, historically used for cattle grazing.

**TOPOGRAPHY:** Gentle to steep slopes. Average slopes of 30%.

**VEGETATION:** Scattered oaks; chaparral; riparian along the Heur Heuro

**PARCEL SIZE:** 635 acres

### **SURROUNDING LAND USE CATEGORIES AND USES:**

*North:* Agriculture and Rural Lands/Scattered residences

*East:* Agriculture and Rural Lands/Scattered residences

*South:* Rural Lands/Scattered residences

*West:* Rural Lands/Scattered residences

### **C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

## COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. <b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically offensive site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to the public?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project site is located on a 30 foot wide access easement that runs north from Highway 58, approximately 1000 feet to the property line. Surrounding development is very sparse and the area is noted for its outstanding scenic value. The site is very hilly with multiple hilltops in the center of the property. This intervening topography and size of the site will minimize the amount of light and glare visible off the site. However, existing lighting levels are very low due to the lack of development in the area and the general area topography.

This large site has multiple building sites on each proposed parcel that are located at the highest site elevations. These potential building sites are located more than 3,000 feet from Highway 58 and further to any other public road. However, the highest elevations of the site are visible from surrounding properties and valleys.

**Impact.** Depending on where they are ultimately placed, building sites could be visible from off site depending on height, distance to viewing location and colors. Bright colors such as red or orange roofs and white or light stucco walls would be visible from long distances.

Bright lights on hilltop building sites may negatively effect the low lighting levels associated with the county's rural areas.

**Mitigation/Conclusion.** The project is required to incorporate the following measures to reduce potentially significant visual impacts:

1. Prior to issuance of a building permit for residences and other structures that include lighting, the applicant shall include a detailed lighting plan for all outdoor lighting. Only very low lighting levels shall be allowed including but not limited to: no fixtures located higher than 6 feet from ground level; no tall security lighting; very low lighting levels in other portions of the building site; and other measures that may be required to reduce

light and glare impacts to a less than significant level.

2. Prior to issuance of a building permit, the applicant shall submit a color and material board to the Department of Planning and Building for review and approval for building sites located on hilltops as shown by the topography on the approved tentative map. Colors and materials shall conform to the following standards:
  - a. Building colors shall be darker, subdued and blend with the surroundings similar to surrounding natural colors. Generally, colors should be no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building.
  - b. Exterior wall colors shall be limited to muted tones. Whites and pastels shall be prohibited.
  - c. Roof colors shall be limited to darker earth tones, deep muted reds, browns and grays and should be no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. Shiny metal roofs, bright orange red or blue shall be prohibited.

<b>2. AGRICULTURAL RESOURCES -</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
<i>Will the project:</i>				
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project is located in a Rural Lands land use designation that does not support agricultural activities due to steep slopes and poor quality soils.

**Impact.** None

**Mitigation/Conclusion.** No mitigation is required.

<b>3. AIR QUALITY - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3. AIR QUALITY - Will the project:**

Potentially Significant    Impact can & will be mitigated    Insignificant Impact    Not Applicable

e) Other \_\_\_\_\_

**Setting.** As proposed, the project will result in minimal disturbance for road widening and construction of driveways and residences. According to the APCD, the project will result in less than 10 lbs./day of pollutants, which is below the threshold warranting any mitigation. Therefore, no mitigation measures are necessary and the potential impacts are considered less than significant.

**Impacts.** None

**Mitigation/Conclusion.** No mitigation is required.

**4. BIOLOGICAL RESOURCES - Will the project:**

Potentially Significant    Impact can & will be mitigated    Insignificant Impact    Not Applicable

a) Result in a loss of unique or special status species or their habitats?

b) Reduce the extent, diversity or quality of native or other important vegetation?

c) Impact wetland or riparian habitat?

d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?

e) Other \_\_\_\_\_

**Setting.** The site consists chiefly of steep chaparral covered slopes with scattered oak trees near the Heur Heuro. The Heur Heuro also supports some willows, sycamore trees and other riparian and riparian associated habitat. Existing access roads will be used to access each parcel; however, some widening will be required to meet minimum road widths of 18 feet.

**Impact.** Although it appears that no oak will be affected by the proposed project, a mitigation measure is proposed to prohibit the removal of trees for development purposes. Also, development of the potential building site near the banks of the Heur Heuro on proposed parcel 3 could effect existing riparian vegetation.

**Mitigation/Conclusion.** The project will be required to incorporate the following measures to reduce potential biological impacts to less than significant levels:

1. No oak trees shall be removed for construction of homes, accessory structure, roads and/or driveways and fire clearance purposes.
2. All development on parcel 3 shall be located at least 50 feet from the top of the bank of the Heur Heuro Creek, shall not result in the removal of riparian vegetation and shall be located outside of any Flood Hazard designation.

**5. CULTURAL RESOURCES -**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash. The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. No evidence of cultural materials were noted on-site and no impacts are anticipated.

**Impact.** None

**Mitigation/Conclusion.** No mitigation is required.

**6. GEOLOGY AND SOILS -**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**6. GEOLOGY AND SOILS -**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting. Geology.** The topography of the project ranges from moderate to steep slopes with an average slope of approximately 30%. The area proposed for development is outside of the Geological Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered negligible. No active faulting is known to exist on or near the subject property. There is no evidence that measures above what will already be required by ordinance or code are needed.

**Drainage.** The Heur Heuro Creek and two unnamed tributary intermittent blue-line streams are found in the central and northeasterly portions of the property. There is a Flood Hazard designation associated with the Heur Heuro in the far northeastern portion of the site. As described in the NRCS Soil Survey, these soils are not well drained.

Future development on the subject property will be required to prepare a drainage plan (per County Land Use Ordinance, Sec. 22.05.040) that will be incorporated into the development to minimize potential drainage impacts. This drainage plan (Sec. 22.05.044) will need to include adequate measures, such as constructing onsite retention and detention basins, or installing surface water flow dissipaters. The drainage plan for the increased runoff from new construction will need to show that there will not be any increase in surface runoff beyond that of historic flows.

**Sedimentation and Erosion.** The Resource Conservation District (RCD) has examined the subject property and has submitted a report on soil conditions. The RCD has specific recommendations to control erosion and sedimentation that will be implemented through required grading permit review.

**Mitigation/Conclusion.** Implementation of the above-referenced drainage, grading and erosion control plans will reduce potential drainage, and sedimentation and erosion control impacts to less than significant levels.)

**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project area is served by the County Fire Department and County Sheriffs Department as the primary emergency responders. The nearest fire station is located in Parkhill. The proposed project site is located in a moderate fire hazard area and requires a response time of 10 minutes. The fuel loads include steep chaparral-covered slopes.

**Impact.** Activities associated with development of the site including roads and houses could become sources of fire. In addition, the site's steep slopes are covered with chaparral that is considered a high fuel load.

**Mitigation/Conclusion.** CDF/County Fire Dept recommends that the project meet the requirements of the 1978 edition of the Uniform Fire Code.

**8. NOISE - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Noise Impacts.** The project will not generate a significant level of noise nor will it expose people to a significant stationary noise source; therefore, no significant noise impacts are expected to occur.

**9. POPULATION/HOUSING - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**9. POPULATION/HOUSING -**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Population/Housing Impacts:** The project will not result in the need for a significant amount of new housing and will not displace existing housing. Therefore, no significant population and housing impacts are expected to occur.

**10. PUBLIC SERVICES/UTILITIES -**

*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Public Services.** The project area is served by the County Fire Department and County Sheriffs Department as the primary emergency responders. The nearest fire station is located in Parkhill. The proposed project site is located in a moderate fire hazard area and requires a response time of 10 minutes. The site is located in the Santa Margarita District.

The project, along with numerous others in the area will have a cumulative effect on police and fire protection and schools. Public facility and school fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

**11. RECREATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Recreation Impacts.** The project is not expected to affect access to trails, parks or other recreational facilities. The County Parks Division has recommended dedication of a 25 foot wide trails easement along the Heur Huero Creek. The Trails Plan does not identify the need for such a trail. Therefore, such mitigation is not required here.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Transportation Impacts.** Future development will access the site from State Highway 58 via a 30 foot wide easement. SR 58 is operating at an acceptable level of service. The four parcels created by this project would add approximately 40 trips per day. This small amount of additional traffic will cause an insignificant change to the level of service on area roads.

The project was referred to both Caltrans and County Public Works Dept. Neither agency had any comments on traffic issues and did identify significant traffic concerns.

13. WASTEWATER - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**13. WASTEWATER - Will the project:**

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

- c) *Adversely affect community wastewater service provider?*
- d) *Other \_\_\_\_\_*

**Setting.** Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type where the on-site wastewater system will be placed is 126 Cieneba Coarse Sandy Loam. For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the soil's ability to percolate or "filter" effluent, the soil's depth and the slope on which the system is placed. To assure a successful system that meets the Central Coast Basin Plan, additional analysis or engineering is needed when one or more factors exist: the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch); the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or the separation between the bottom of the leach line to bedrock or high groundwater is less than five feet.

Based on the NRCS Soil Survey, the main limitation(s) of this soil for wastewater effluent include: poor filtering characteristics due to the very permeable soil and steep slopes, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent;

**Impact.** The project proposes to use on-site septic system to handle wastewater effluent. The permeable soil, without special engineering will require larger separations between the leach lines and the groundwater basin to provide adequate filtering of the effluent.

Based on general knowledge of the area and the response received from the Environmental Health Division, it is expected that there will be adequate separation for filtering of effluent before reaching any groundwater source.

There is enough room on the proposed parcels due to their large size, to adequately site leach lines in areas of lesser slopes.

**Mitigation/Conclusion.** Prior to final inspection of the wastewater system, the applicant will need to show compliance with the Central Coast Basin Plan, which should provide adequate measures to reduce potential impacts to less than significant levels.

**14. WATER - Will the project:**

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

- a) *Violate any water quality standards?*
- b) *Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?*
- c) *Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?*
- d) *Change the quantity or movement of available surface or ground water?*

**14. WATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Water Usage - Setting.** Water is provided for by on-site wells for the surrounding properties in this highly rural area. The water source is the Paso Robles groundwater basin. The annual report of the Resource Management System identifies this aquifer as being in a Level I condition, which means water demand over the next nine years equals or exceeds the estimated dependable supply. A study of the Paso Robles groundwater basin was commenced in 2000. The results of this study have not yet been released.

**Impact. Water Usage.** Water for the project will serve up to six residences. The estimated use of water for these uses on the proposed parcels would be approximately nine acre-feet per year. The amount of water use is insignificant when compared to the approximately 26,000,000,000 acre feet of water in storage in the basin.

Source: "City of Santa Barbara Water Demand Factor & Conservation Study User Guide" (Aug., 1989)

**Surface Water Quality - Setting/Impacts.** The nearest down-gradient blue line creek (Heur Heuro Creek) diagonally crosses proposed parcel 4. In addition, two other intermittent bluelines cross the western portion of the site. The topography of the site tends to be steeply sloping above these drainages.

The project will ultimately result in the development of residences, roads and driveways. Erosion and sedimentation downgradient to the bluelines is possible if grading is not conducted with proper erosion control measures. The soils of the site are erosive and the slopes are steep. During preparation of the Negative Declaration, a portion of the site was burned in a wildland fire. The applicant also graded a road prior to issuance of any permits. The RCD has made several recommendations to address erosion control in these areas.

**Mitigation/Conclusion.** The applicant shall implement the following measures to mitigate surface water impacts:

1. Grading plans submitted for subdivision improvements shall utilize Best Management Practices (BMP) to control erosion.
2. The applicant shall implement the following RCD recommendations in grading plans:
  - a. For the road already graded, re-grade the road surface to the outside on a 4% slope to encourage sheetflow across the road.
  - b. Install water bars at intervals per the following table as measured along the road's centerline

<u>Road Slope</u>	<u>Waterbar Spacing</u>
5%	150 feet
10%	100 feet
15%	75 feet
20%	50 feet
25%	40 feet
35%	35 feet

- c. Seed, fertilize and mulch the entire road surface and fill slopes in consultation with the RCD.
- d. Cable, lock or fence off each end of the road to keep vehicles and horses off the road.
- e. Submit, after construction, an inspection and maintenance program for the runoff collection and conveyance system and the road's cut and fill slopes. This shall include a rigid varmint control, inspection and maintenance program.
- f. Complete all grading between April 15 and October 15<sup>th</sup>. If work is permitted between October 15 and March 15, all bare soil at the end of each working day shall be mulched with 100 lbs of hay per 1,000 sq. ft. of surface area or equivalent material.
- g. For the main access road, grade the road's surface to the outside on a slope of 4% to encourage sheetflow across the road.
- h. Install culverts under the road in all drainageways crossed by the road. Si the culverts to carry the maximum flow from a 25 year storm (or greater if so required by local ordinance). Design and install proper outlets to preclude headcutting of the soil upstream of the inlet and proper outlets to prevent scouring and erosion of downstream slopes from concentrated flows leaving the culverts.
- i. Seed, fertilize and mulch all fill slopes.
- j. Submit, after construction, an inspection and maintenance program for the runoff collection and conveyance system and the road's cut and fill slopes. This shall include a rigid varmint control, inspection and maintenance program.
- k. Complete all grading between April 15 and October 15<sup>th</sup>. If work is permitted between October 15 and March 15, all bare soil at the end of each working day shall be mulched with 100 lbs of hay per 1,000 sq. ft. of surface area or equivalent material.
- l. The applicant shall consult with the USDA Natural Resource Conservation Service and the Upper Salinas-Las Tablas Resource Conservation District in the preparation and review of the preliminary and final erosion and sediment control plans.

**15. LAND USE - Will the project:**

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, etc.). Referrals were sent to several agencies to review for various policy consistencies (e.g., APCD on Land Use Strategies of the Clean Air Plan). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area. The

surrounding uses are all similar to the proposed project, scattered residences on large lots.

**Mitigation/Conclusion** - No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

**Mitigation/Conclusion.**

**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "[www.slocoplanbldg.com](http://www.slocoplanbldg.com)" under "Environmental Review", or the California Environmental Resources Evaluation System at "[http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/)" for information about the California Environmental Quality Act.

C:\newnds\pierson.nd.wpd

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an "X") and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<u>X</u>	County Public Works Department	In File
<u>X</u>	County Environmental Health Division	Attached
<u>X</u>	County Agricultural Commissioner's Office	Attached
___	County Airport Manager	Not Applicable
___	Airport Land Use Commission	Not Applicable
<u>X</u>	Air Pollution Control District	Attached
___	County Sheriff's Department	Not Applicable
___	Regional Water Quality Control Board	Not Applicable
___	CA Coastal Commission	Not Applicable
___	CA Department of Fish and Game	Not Applicable
<u>X</u>	CA Department of Forestry	Attached
<u>X</u>	CA Department of Transportation	No Response
___	_____ Community Service District	Not Applicable
<u>X</u>	Other <u>Resource Conservation District</u>	Attached

\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("✓") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<u>✓</u> Project File for the Subject Application	<u>✓</u> El Pomar Area Plan and Update EIR
<u>___</u> County documents	<u>___</u> El Pomar Circulation Study
<u>___</u> Airport Land Use Plans	<u>___</u> Other documents
<u>✓</u> Annual Resource Summary Report	<u>✓</u> Archaeological Resources Map
<u>___</u> Building and Construction Ordinance	<u>✓</u> Area of Critical Concerns Map
<u>___</u> Coastal Policies	<u>✓</u> Areas of Special Biological Importance Map
<u>✓</u> Framework for Planning (Coastal & Inland)	<u>✓</u> California Natural Species Diversity Database
<u>✓</u> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<u>✓</u> Clean Air Plan
<u>   </u> <u>✓</u> Agriculture & Open Space Element	<u>✓</u> Fire Hazard Severity Map
<u>   </u> <u>✓</u> Energy Element	<u>✓</u> Flood Hazard Maps
<u>   </u> <u>✓</u> Environment Plan (Conservation, Historic and Esthetic Elements)	<u>✓</u> Natural Resources Conservation Service Soil Survey for San Luis Obispo County
<u>   </u> <u>✓</u> Housing Element	<u>✓</u> Regional Transportation Plan
<u>   </u> <u>✓</u> Noise Element	<u>✓</u> Uniform Fire Code
<u>   </u> Parks & Recreation Element	<u>✓</u> Water Quality Control Plan (Central Coast Basin - Region 3)
<u>   </u> <u>✓</u> Safety Element	<u>___</u> Other _____
<u>✓</u> Land Use Ordinance	<u>___</u> Other _____
<u>___</u> Real Property Division Ordinance	
<u>___</u> Trails Plan	
<u>___</u> Solid Waste Management Plan	

In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

(Title, name, date of any reports used)  
 (Any additional reference materials used (see process sheets))



## Exhibit B - Mitigation Summary Table

### Aesthetics

- V1. Prior to issuance of a building permit for residences and other structures that include lighting, the applicant shall include a detailed lighting plan for all outdoor lighting. Only very low lighting levels shall be allowed including but not limited to: no fixtures located higher than 6 feet from ground level; no tall security lighting; very low lighting levels in other portions of the building site; and other measures that may be required to reduce light and glare impacts to a less than significant level.
- V2. Prior to issuance of a building permit, the applicant shall submit a color and material board to the Department of Planning and Building for review and approval for building sites located on hilltops as shown by the topography on the approved tentative map. Colors and materials shall conform to the following standards:
- Building colors shall be darker, subdued and blend with the surroundings similar to surrounding natural colors. Generally, colors should be no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building.
  - Exterior wall colors shall be limited to muted tones. Whites and pastels shall be prohibited.
  - Roof colors shall be limited to darker earth tones, deep muted reds, browns and grays and should be no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. Shiny metal roofs, bright orange red or blue shall be prohibited.

### Biological Resources

- BR-1 No oak trees shall be removed for construction of homes, accessory structure, roads and/or driveways and fire clearance purposes.
- BR-2 All development on parcel 3 shall be located at least 50 feet from the top of the bank of the Heur Huero Creek, shall not result in the removal of riparian vegetation and shall be located outside of any Flood Hazard designation.

### Water

- W1 Grading plans submitted for subdivision improvements shall utilize Best Management Practices (BMP) to control erosion.
- W2 The applicant shall implement the following RCD recommendations in grading plans:
- For the road already graded, re-grade the road surface to the outside on a 4% slope to encourage sheetflow across the road.
  - Install water bars at intervals per the following table as measured along the road's centerline

<u>Road Slope</u>	<u>Waterbar Spacing</u>
5%	150 feet
10%	100 feet
15%	75 feet
20%	50 feet
25%	40 feet

- c. Seed, fertilize and mulch the entire road surface and fill slopes in consultation with the RCD.
- d. Cable, lock or fence off each end of the road to keep vehicles and horses off the road.
- e. Submit, after construction, an inspection and maintenance program for the runoff collection and conveyance system and the road's cut and fill slopes. This shall include a rigid varmint control, inspection and maintenance program.
- f. Complete all grading between April 15 and October 15<sup>th</sup>. If work is permitted between October 15 and March 15, all bare soil at the end of each working day shall be mulched with 100 lbs of hay per 1,000 sq. ft. of surface area or equivalent material.
- g. For the main access road, grade the road's surface to the outside on a slope of 4% to encourage sheetflow across the road.
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- l. The applicant shall consult with the USDA Natural Resource Conservation Service and the Upper Salinas-Las Tablas Resource Conservation District in the preparation and review of the preliminary and final erosion and sediment control plans.

California Department of Fish and Game  
**CERTIFICATE OF FEE EXEMPTION**  
De Minimis Impact Finding

**PROJECT TITLE & NUMBER:** Pierson Tentative Parcel Map CO01-0070; ED01-347

**Project Applicant**

Name: David Pierson  
Address: P.O. Box 1833  
City, State, Zip Code: Rancho Santa Fe., CA 92067  
Telephone #: (760) 710-16161

**PROJECT DESCRIPTION/LOCATION:** See attached Notice of Determination


**FINDINGS OF EXEMPTION:**

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- ( ) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- (X) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- ( ) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No.
- ( ) Other: \_\_\_\_\_

**CERTIFICATION:**

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

  
Ellen Carroll, Environmental Coordinator  
County of San Luis Obispo

Date: \_\_\_\_\_

DATE: July 26, 2002

**DEVELOPER'S STATEMENT FOR  
DAVID PIERSON TENTATIVE PARCEL MAP  
ED-01-347 (CO01-0070 - S000385P)**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**AESTHETICS**

1. Prior to issuance of a building permit for residences and other structures that include lighting, the applicant shall include a detailed lighting plan for all outdoor lighting. Only very low lighting levels shall be allowed including but not limited to: no fixtures located higher than 6 feet from ground level; no tall security lighting; very low lighting levels in other portions of the building site; and other measures that may be required to reduce light and glare impacts to a less than significant level.
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**Monitoring:** All measures to be verified by the Dept. of Planning and Building through planchecking of plans and by site inspections.

## BIOLOGICAL RESOURCES

1. No oak trees shall be removed for construction of homes, accessory structure, roads and/or driveways and fire clearance purposes.
2. All development on parcel 3 shall be located at least 50 feet from the top of the bank of the Heur Huero Creek, shall not result in the removal of riparian vegetation and shall be located outside of any Flood Hazard designation.

## Water

1. Grading plans submitted for subdivision improvements shall utilize Best Management Practices (BMP) to control erosion.
2. The applicant shall implement the following RCD recommendations in grading plans:
  - a. For the road already graded, re-grade the road surface to the outside on a 4% slope to encourage sheetflow across the road.
  - b. Install water bars at intervals per the following table as measured along the road's centerline

<u>Road Slope</u>	<u>Waterbar Spacing</u>
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15%	75 feet
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25%	40 feet
35%	35 feet

- c. Seed, fertilize and mulch the entire road surface and fill slopes in consultation with the RCD.
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- f. Complete all grading between April 15 and October 15<sup>th</sup>. If work is permitted between October 15 and March 15, all bare soil at the end of each working day shall be mulched with 100 lbs of hay per 1,000 sq. ft. of surface area or equivalent material.
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- culverts to carry the maximum flow from a 25 year storm (or greater if so required by local ordinance). Design and install proper outlets to preclude headcutting of the soil upstream of the inlet and proper outlets to prevent scouring and erosion of downstream slopes from concentrated flows leaving the culverts.
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  - k. Complete all grading between April 15 and October 15<sup>th</sup>. If work is permitted between October 15 and March 15, all bare soil at the end of each working day shall be mulched with 100 lbs of hay per 1,000 sq. ft. of surface area or equivalent material.
  - l. The applicant shall consult with the USDA Natural Resource Conservation Service and the Upper Salinas-Las Tablas Resource Conservation District in the preparation and review of the preliminary and final erosion and sediment control plans.

**Monitoring:** All measures to be verified by the Dept. of Planning and Building through planchecking of plans and by site inspections.

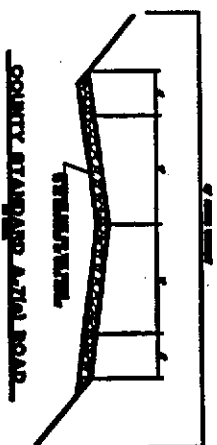
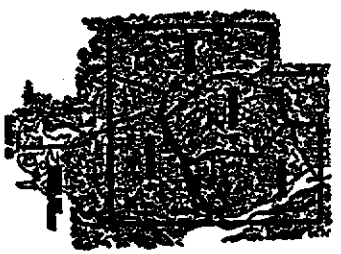
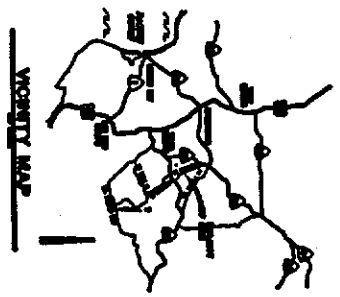
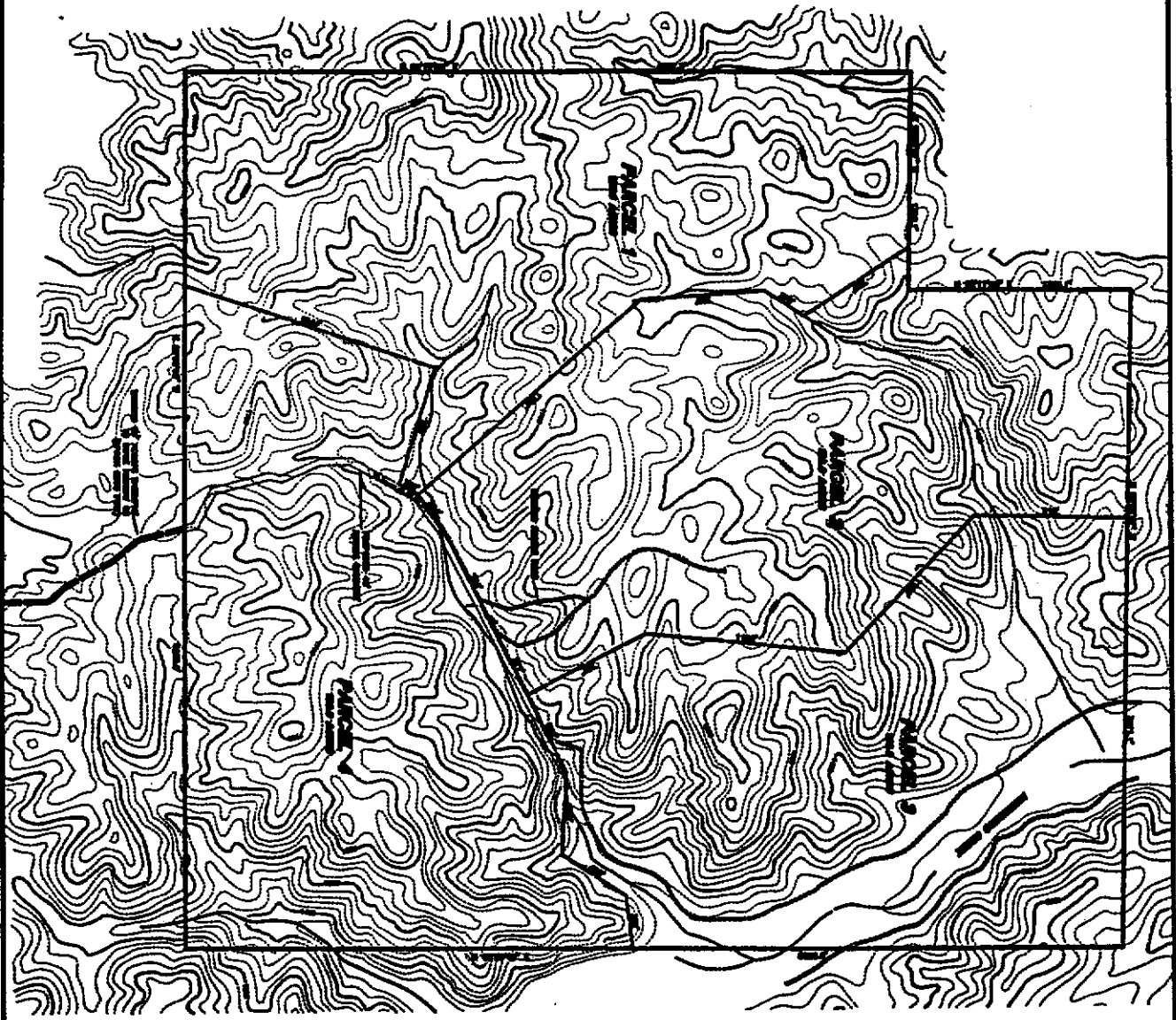
The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Print)

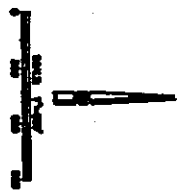
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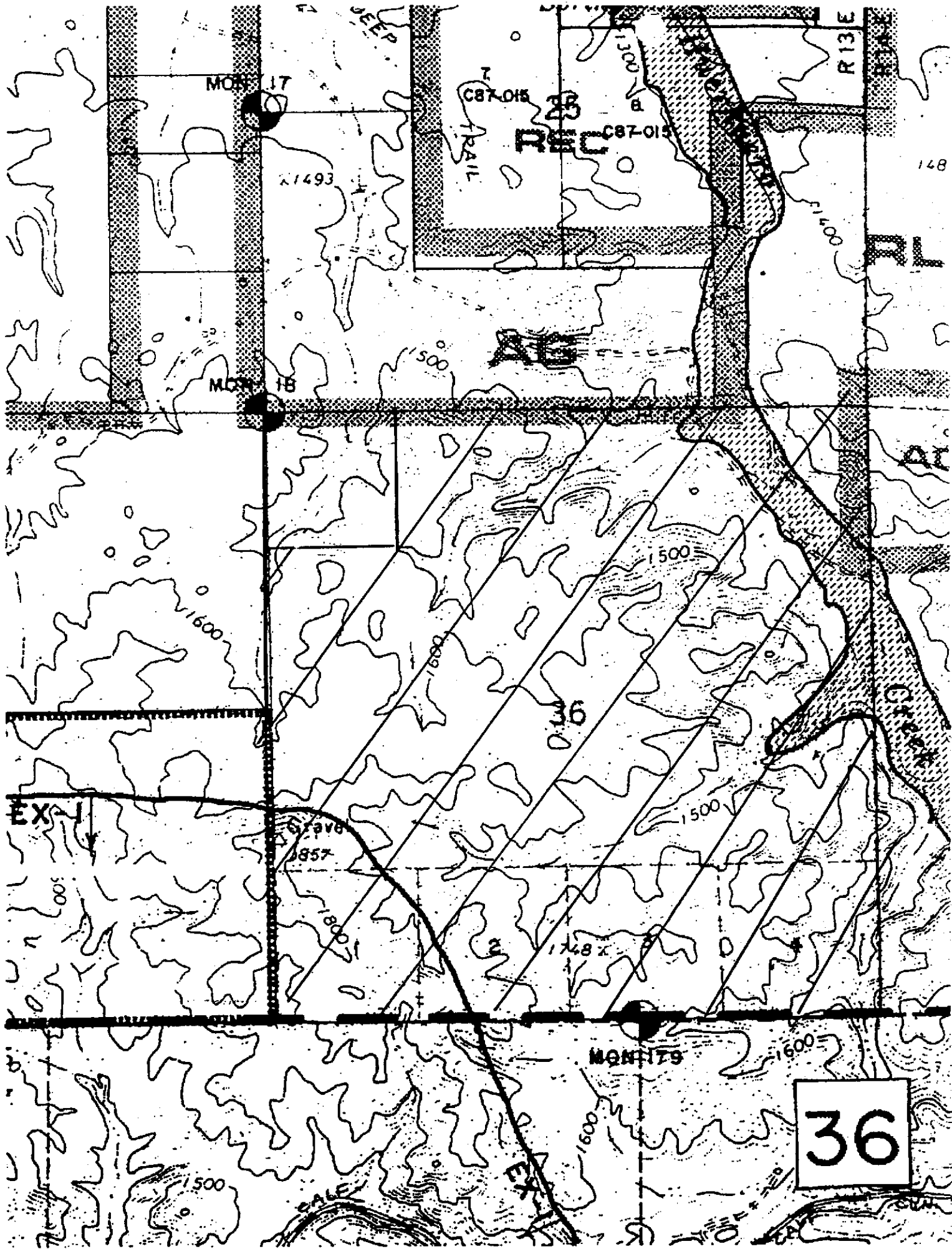
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- 1. SEE SHEET 01-0070-01
  - 2. SEE SHEET 01-0070-02
  - 3. SEE SHEET 01-0070-03
  - 4. SEE SHEET 01-0070-04
  - 5. SEE SHEET 01-0070-05
  - 6. SEE SHEET 01-0070-06
  - 7. SEE SHEET 01-0070-07
  - 8. SEE SHEET 01-0070-08
  - 9. SEE SHEET 01-0070-09
  - 10. SEE SHEET 01-0070-10

LEGEND

[Symbol]	SEE SHEET 01-0070-01
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WORKING TENTATIVE MAP  
FOR  
PM CO 01-0070  
ALONG HIGHWAY  
COUNTY STANDARD AREA ROAD  
SHEET 01-0070-01



36





August 30, 2001

**RESOURCE CONSERVATION DISTRICTS WORKING TOGETHER**

85 Main Street Suite 108 • Templeton, CA 93465 • (805) 434-0096

FAX (805) 434-0284

Rosalind Rondash  
Planning Department And Building  
County Government Center  
San Luis Obispo, CA. 93408

RECEIVED  
SEP 10 2001  
Planning & Bldg

Dear Ms. Rondash:

At the request of your agency I have reviewed the following named project and prepared comments pertaining to your concerns for the grading and drainage impacts associated with the installation of this project.

**PROJECT NAME:** David Pierson Sub-Division

**NUMBER:** S000385P

**APPLICANT NAME:** David Pierson

**LOCATION:** Section 36, Twnshp 28S, Rng. 13E. Approximately 7 miles NE of the community of Santa Margarita, CA.

**SITE AREA:** 675 acres.

This review includes consideration of the suitability of the site, it's limitations and/or hazards, and mitigation measures to overcome them for the intended use of this project.

Note: All information related to soils and their capabilities was derived from the Soil Survey report for the San Luis Obispo County, California ( Coastal Part ) prepared by the U.S.D.A. Soil Conservation Service in cooperation with the University of California Agricultural Experiment Station.

I trust this information will be helpful in resolving your concerns for this project. If I can be of any further assistance to you in this matter please feel free to contact me.

Sincerely,

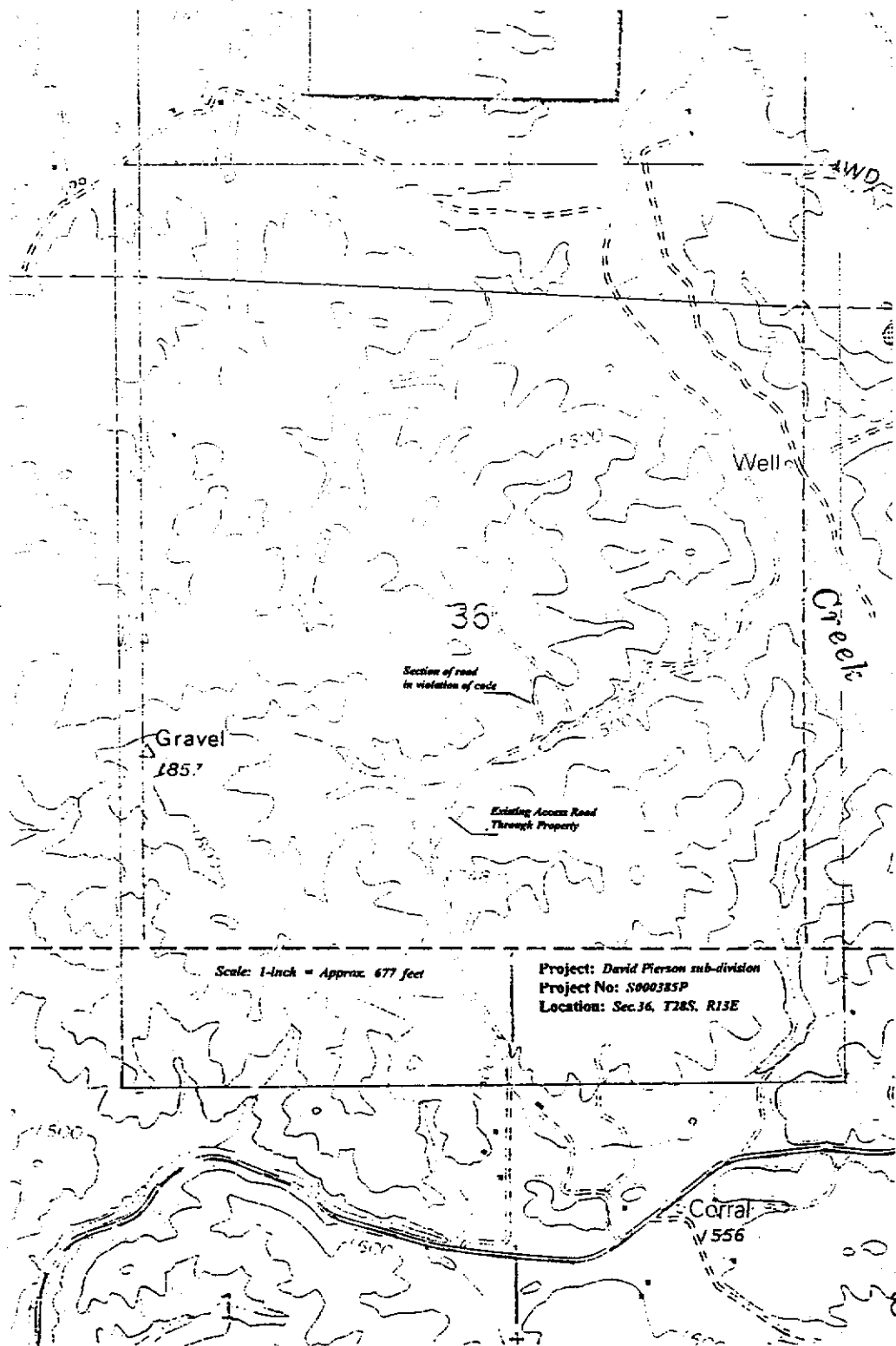
*Art Pearson*

Art Pearson

Certified Professional Erosion  
and Sediment Control Specialist



Coastal San Luis  
Resource Conservation District



Scale: 1-inch = Approx. 677 feet

Project: David Pierson sub-division  
Project No: S000385P  
Location: Sec. 36, T28S, R13E

Gravel  
185.7

Section of road  
in violation of code

Existing Access Road  
Through Property

Well

Creek

Corral  
556

36

AWD

## **PROJECT DESCRIPTION:**

The project consists of sub-dividing 675 acres of land into 5 separate parcels, and constructing an all season road to access them. The size of the parcels range from 80 to 189 acres each. The access road to be constructed is some 3500 feet in length. It will replace a portion of an existing dirt road that has, according to the developer, a 40 foot wide access easement.

The project site is located on a dirt road approximately 1/2-mile North of California state highway 58. This same dirt road extends through the 675 acre project site in a Northeasterly direction and onto adjacent lands to the north. The portion of the existing road, to be replaced with an all season road, is at present suitable only for 4-wheel drive vehicles, due to some very steep slopes.

## **OBSERVATIONS:**

The project site is located within a large rural area that is becoming to be developed into large ranchettes. The project site, itself, is in hilly steep terrain having slopes of from 30% to 75%. The natural vegetation covering the project site, and lands adjacent, consist of chamise brush and purple needlegrass. The steep slopes combined with the brush and grass create a high hazard to wildfires.

Firebreak roads have been created, along the ridges of the property, with the use of a bulldozer which removed all vegetation. Unfortunately the firebreaks were not installed with proper drainage features. Winter runoff will concentrate, and erode some of the sloping sections of the firebreak roads. The sediment will drain toward Huer Huero Creek.

The existing, main access, dirt road, passing through the project site, was graded earlier this year without application for a grading permit. The developer's representative, Mr. David Williams, said they had merely bladed the brush off the old existing road to enable them to drive their 4-wheel drive vehicles through the property. The total length of road graded for this purpose is approximately 1-mile. The road has average surface widths of 10 to 12 feet.

In blading off the brush, on the old existing road, several drainageways which the road crosses were filled in, with loose fill material, to permit vehicles to cross the drainageways. No culverts were installed under the road to accommodate runoff draining through the drainageways.

Much of the existing main dirt road, to be replaced, by the proposed new access road, runs alongside a tributary draining directly into Huerhuero Creek.

At a point, on the main existing dirt access road, approximately 1/2-mile North of the South boundary of the property, a new road in the shape of a loop had been cut into the hillside above (see attached map). This new road is some 1330 feet in length with surface

widths of 10 to 12 feet. There is no obvious reason for the road to be there. Cut depths, for this section of road, range from 1.0 to 3.5 feet, with fill heights on the downhill side from 3.0 to 10 feet. It is obvious that more than 50 cubic yards of cut material was moved in creating the road. The applicant for this sub-division project had no permit to do this grading. The work, after the fact, was observed by a member of the county's planning staff, who notified the applicant that he was in violation of the county's grading ordinance.

All runoff from the project site, and surrounding area, drains into Huerhuero Creek, which contains wildlife habitat that attracts many species of wildlife. Over the years, erosion occurring in the watersheds above, filled the creek with sediment. That caused creek flows to meander and at times overflow onto adjacent lands. This in turn prompted landowners and others in the area to use heavy equipment for the removal of the sediments. Through this action much of the vegetation that once defined the creek was destroyed. Consequently it is critical, at this time, that proper erosion and sediment control be exercised throughout the watersheds draining into Huerhuero Creek to preclude further damage to or elimination of the remaining vegetation in the creek. This would include all work done on the applicants property. Similar measures should be underwritten for other development being proposed in this region of the county.

The Huerhuero Creek is a tributary to the Salinas River, a state of California designated critical watershed for sediment control. The Salinas River watershed in turn drains into the Monterey Bay National Marine Sanctuary. Measures should be taken to control both upland and channel erosion within this whole region.

#### **SOILS:**

Soils in the area of the project site and surrounding area consist of :

Cieneba coarse sandy loams, with slopes ranging from 30% to 75%

Permeability is moderately rapid ranging from 2 to 6 inches per hour.

Surface runoff is very rapid and hazard of water erosion is very high.

Maximum permissible velocity, without creating erosion, for water flowing over this soil is 2.0 feet per second.

The soils are shallow with depths of 10 to 20 inches laying over weathered granitic rock. The soil's available water holding capacity is very low to low making plant production minimal.

## **SUITABILITY OF SITE FOR PROPOSED FEATURES:**

### **Roads:**

The probable type of traffic using this road (*trucks, autos, recreational vehicles, and horses*) combined with the sandy soils, and steep slopes of the project site, would make an unpaved road, comprised of these soils, impractical if not impossible to maintain in a manner which would successfully direct sheet-flow runoff to either side of the road.

Any divet, depression, or bump in the surface of an unpaved sandy surfaced road will change the direction and condition of flow crossing the road, from sheet-flow to a concentrated flow. The concentrated flow will inevitably direct itself down the steepest slope of the road. In the case of the proposed access road, in this application, that would parallel the road's centerline.

The maximum permissible velocity of runoff flowing over these soils, without causing erosion, is 2.0 feet per second. It takes only a small trickle of water the size of a pencil to achieve that velocity on steep slopes.

Cut and fill slopes in these soils are very susceptible to erosion, and because of the low fertility and low water holding capacity, of the soils, it is very difficult to establish suitable vegetation to protect the slopes from erosion.

The physical characteristics of the soil and the steep terrain, within this project site, make it unsuitable, from an erosion and sediment control point of view, to construct roads.

### **Proposed future homesite areas:**

It is obvious that any disturbance of the soils to construct homes and roads leading to them has the potential for creating severe erosion. This dictates that proper erosion and sediment control measures become an integral part of the development of these parcels for homesites.

The shallow depths of soil to the underlying granite will also challenge the installation of effective septic tank absorption fields.

Large areas around dwellings will need to be cleared of all brush for fire protection. The shallow depth, and low fertility of the soil will result in houses sitting on bald hilltops, unless topsoil is imported to establish and support vegetation. If left unprotected these hilltops will erode from winter runoff.

Again the physical characteristics of the soil and the steep terrain make it unsuitable, from an erosion and sediment control point of view, to construct homes and the roads necessary to access them on the project site.

## CONCLUSION:

The site's geographic location above Huer Huero Creek (*a blue line creek on the quadrangle sheets*), the erosive 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.

This will be critical to prevent severe erosion of the soils on the project site and the subsequent sedimentation of Huer Huero Creek.

Even with proper design and construction of roads and home sites a fairly high risk of severe erosion exists in the cut and fill slopes, from varmints, insects, or reptiles creating small holes or tunnels in the sandy soil. Holes or tunnels created within the soil will permit water seeping in from the surrounding soil to concentrate. This will subsequently super saturate that area. If the saturated area happens to be on a slope, slump or slip can occur causing the slope to fail.

To help alleviate some of the potential erosion and sediment problems associated with the existing and proposed grading on this property the following should be done:

- a). Address the existing earth surface access road recently stripped of the vegetation growing on it.
- b). Address the section of graded road which was done in violation of the county grading ordinance.
- c). Address the design and installation of the proposed sub-division access road.

## RECOMMENDATIONS:

*To help achieve the above goals, the following measures are recommended.*

### Section of road in violation of county grading ordinance

*Require that the developer:*

Install the following erosion and sediment control measures and abandon use of the road.

- 1.) Grade the road's surface to the outside, on a 4 per cent slope, to encourage sheet flow across the road.
- 2.) Install water bars at intervals, per table below, as measured along the roads centerline. (*see attached Exhibit - A for dimensions and construction details*).

*Waterbar spacing*

<u>Road Slope</u>	<u>waterbar spacing</u>
5%	150 feet
10 %	100 feet
15 %	75 feet
25 %	40 feet
35 %	35 feet

3.) Seed, fertilize, and mulch the entire road surface and fill slopes.

*Seed with 4-lbs. of barley, or 1-lb. of annual rye grass per 1,000 square feet of surface area.*

*Fertilize with 6-lbs. of 16-20-0 fertilizer, or the equivalent of one unit of Nitrogen per 1,000 square feet of surface area.*

*Mulch with 100-lbs. of hay per 1,000 square feet of surface area, or material with the equivalent protection.*

4.) Cable and lock, or fence off each end of the road to keep vehicles and horses off the road.

5.) Submit an, after construction, inspection and maintenance program for the runoff collection and conveyance system and the road's cut and fill slopes. This should include a rigid varmint control inspection and maintenance program.

6.) Do all grading on the site before October 15 of this year. If work is permitted between October 15 of this year and March 15 of next year, require that all bare soil at the end of each working day be mulched with 100-lbs. of hay per 1,000 square feet of surface area, or material with the equivalent protection.

*Existing earth surface main access road*

*Require that the developer:*

Install the following erosion and sediment control measures.

1.) Grade the road's surface to the outside, on a slope of 4 per cent, to encourage sheet flow across the road.

- 2.) Install culverts under the road in all drainageways crossed by the road. Size the culverts to carry the maximum flow from a 25 year frequency storm.

Design and install proper inlets to preclude headcutting of the soil upstream of the inlet and proper outlets to prevent scouring and erosion, of downstream slopes, from concentrated flows leaving the culverts.

- 3.) Seed, fertilize and mulch the fill slopes.

*Seed with 4-lbs. of barley, or 1-lb. of annual rye grass per 1,000 square feet of surface area.*

*Fertilize with 6-lbs. of 16-20-0 fertilizer, or the equivalent of one unit of Nitrogen per 1,000 square feet of surface area.*

*Mulch with 100-lbs. of hay per 1,000 square feet of surface area, or material with the equivalent protection.*

- 4.) Submit an, after construction, inspection and maintenance program for the runoff collection and conveyance system and the road's cut and fill slopes. This should include a rigid varmint control inspection and maintenance program.
- 5.) Do all grading on the site before October 15 of this year. If work is permitted between October 15 of this year and March 15 of next year, require that all bare soil at the end of each working day be mulched with 100-lbs. of hay per 1,000 square feet of surface area, or material with the equivalent protection.

#### **Proposed Sub-division access road**

*Require that the developer:*

- 1.) Consult with the USDA Natural Resource Conservation Service and the Upper Salinas-Las Tablas Resource Conservation District in the Preparation and review of the preliminary and final erosion and sediment control plans.

#### **Huerhuero Channel**

*Require that the developer:*

- 1.) Not encroach on the Huerhuero channel and smaller "blue line" tributaries through grading and/or development.
- 2.) Develop a plan to carefully manage any proposed animal grazing, within the corridors of the Huerhuero and tributary channels, to reduce impacts on channel vegetation. The plan should limit the number of animals for a given period of time.





# California Regional Water Quality Control Board Central Coast Region



Winston H. Hickox  
Secretary for  
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Gray Davis  
Governor

October 11, 2002

David Pierson  
P.O. Box 1833  
Rancho Santa Fe, CA 92067

## NOTICE OF VIOLATION, 13267 REQUEST FOR REPORT; GOLDIE LANE, SAN LUIS OBISPO COUNTY

Dear Mr. Pierson:

Ryan Lodge of my staff visited your property on September 20, 2002. The purpose of the site visit was to investigate vegetation clearing and potential associated water pollution sources. Our visit revealed two issues of concern that must be addressed. Concerns include extensive vegetation clearing and a point source discharge to Huerhuero Creek from adjacent well development.

The drilling mud discharge to Huerhuero Creek occurred from new well development (see photos 1 and 2, below). Drilling mud is a waste when discharged to surface waters, such as Huerhuero Creek. The waste discharge to a surface water violates the Federal Clean Water Act and the Porter Cologne Water Quality Control Act.



Photo 1 - Drill mud and bentonite around wellhead



Photo 2 - Drilling mud and bentonite in Huerhuero Creek

California Water Code Section 13376 requires persons discharging pollutants or proposing to discharge pollutants to waters of the United States to submit a report of waste discharge. The discharge of well development byproducts to Huerhuero Creek is an unpermitted discharge. Unpermitted discharges to surface waters are subject to civil liability pursuant to California Water Code Section 13385, which states the following:

"Civil liability may be imposed administratively by state board or a regional board pursuant to Article 2.3 of Chapter 5 in an amount not to exceed the sum of both of the following: (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs. (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume of discharged but not cleaned up

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exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.”

Well development byproducts should be contained or removed. Removal from the creek is necessary. You are required to clean up the well development discharge and implement measures to prevent future surface water discharges.

Additional pollution concerns include vegetation removal with no erosion or sediment controls in place (see photos 3 and 4). Ryan Lodge discussed our erosion concerns with David Williams of your staff. Mr. Williams indicated that a plan is in place to spread barley and rye grass seed over the area prior to the first rain. We believe that applying seed alone is not a sufficient erosion control measure. Established vegetation is a means of erosion control; thus, the seed must be nurtured into vegetation before runoff occurs to be effective erosion control. Additional erosion control measures must be implemented to avoid widespread erosion and sediment loss, and to reduce potential surface water impacts.

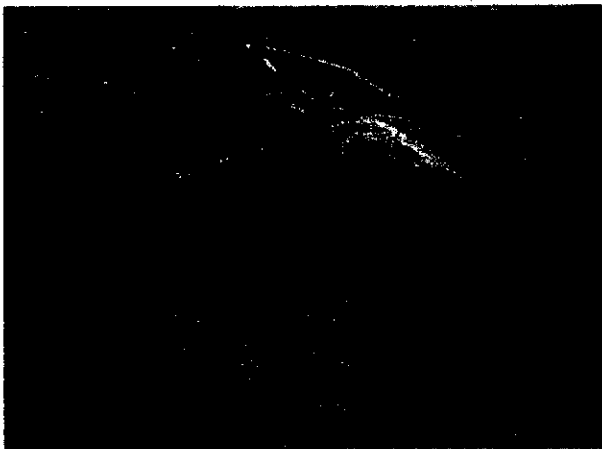


Photo 3 – Cleared hillsides.

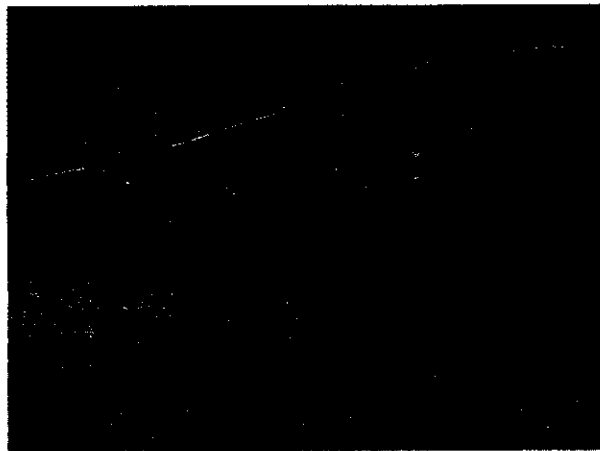


Photo 4 – Cleared hillsides.

The extensive vegetation removal has created a significant potential for sediment discharge to Huerhuero Creek. We are concerned about water quality impacts from sediment discharges. The Huerhuero Creek is tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.

The Regional Board is authorized to issue a Cleanup or Abatement Order pursuant to Water Code section 13304.

California Water Code section 13304 states, “Any person who ... threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.”

Violation of a Cleanup or Abatement Order subjects the discharger to administrative civil liability of up to \$5,000 per day. The Regional Board will refrain from issuing a Cleanup or Abatement Order at this time pending receipt and implementation of an adequate erosion and sediment control plan. By this letter you are ordered, pursuant to Water Code section 13267, to provide a detailed erosion and sediment control plan addressing all disturbed areas.



Water Code section 13267, (b) states in part "...the regional board may require that any person who has discharged, discharges or is suspected of discharging or who proposes to discharge waste within its region, ...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

Pursuant to Water Code section 13267, the Regional Board requires a detailed erosion and sediment control plan with an implementation schedule addressing all potential site erosion areas. Failure to implement adequate erosion and sediment control measures prior to winter rains will create the potential for sediment discharges to Huerhuero Creek. Additionally you must submit a cleanup plan for the well development byproducts discharged into Huerhuero Creek. The plan must address nearby by products that could reach Huerhuero Creek. The detailed plans and implementation schedule must be submitted to our office by October 21, 2002.

You are being required to submit this information because:

1. You are the real property owner that is the potential source of sediment discharge into the creek.
2. Unpermitted point source discharges from well development is a violation of the Federal Clean Water Act and the California Water Code.
3. The actions taken to clear the land have created a potential pollution source. Photo documentation and a site visit by Regional Board staff indicate there is high erosion and sedimentation potential.
4. The Salinas River currently is listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.

It is critical that the issues discussed in this letter are addressed immediately. The wet season is upon us and impacts to the watershed from your property must be minimized.

If you have questions regarding this matter, please call Ryan Lodge at (805) 542-4642.

Sincerely,

**ORIGINAL SIGNED BY**

Roger W. Briggs  
Executive Officer

cc: Todd Tognazzini  
Department of Fish & Game  
P.O. Box 2785  
Paso Robles, CA 93447

San Luis Obispo County District Attorney  
County Government Center, Room 460  
San Luis Obispo, CA 93408

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San Luis Obispo County Dept. of Planning and  
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Gordon R. Hensley  
P.O. Box 6884  
Los Osos, CA 93412

Jennifer Soloway, Office of the Chief Counsel  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

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# California Regional Water Quality Control Board Central Coast Region



Winston H. Hickox  
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405 319357

October 17, 2002

David Pierson  
P.O. Box 1833  
Rancho Santa Fe, CA 92067

## CORRECTION TO NOTICE OF VIOLATION, 13267 REQUEST FOR REPORT; GOLDIE LANE, SAN LUIS OBISPO COUNTY

Dear Mr. Pierson:


We erroneously attributed a well development by product point source discharge to Huerhuero Creek to your property. It has come to our attention that the well development referred to in our October 10, 2002 Notice of Violation was not on your property. Please disregard the parts of the October 10, 2002 Notice of Violation referring to the well development point source discharge. You are still required to respond to the information request regarding the vegetation clearing and potential erosion and sediment discharge from your property.

As discussed with Ryan Lodge of my staff, **the detailed plans and implementation schedule required by our October 10, 2002 letter must be submitted to our office by October 25, 2002.** It is critical that the issues discussed in the October 10, 2002 letter are addressed immediately. The wet season is upon us and impacts to the watershed from your property must be minimized.

With your submittal, please provide information concerning your overall project. You are required to obtain Storm Water General Permit coverage if the project is a construction project that disturbs five acres or more of land (disturbance includes clearing, grading, excavating, staging areas, and stockpiles).

If you have questions regarding this matter, please call **Ryan Lodge at (805) 542-4642.**

Sincerely,

  
Roger W. Briggs  
Executive Officer

cc: Todd Tognazzini  
Department of Fish & Game  
P.O. Box 2785  
Paso Robles, CA 93447

San Luis Obispo County District Attorney  
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**California Environmental Protection Agency**





# California Regional Water Quality Control Board

## Central Coast Region



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3 405 319 357

November 12, 2002

David Pierson  
P.O. Box 1833  
Rancho Santa Fe, CA 92067

### REVIEW OF STORM WATER POLLUTION PREVENTION PLAN; GOLDIE LANE PROPERTY; SANTA MARGARITA

Dear Mr. Pierson:

Regional Board Staff have reviewed the Storm Water Pollution Prevention Plan (SWPPP) for the above named construction site. These documents are required by Sections A and B of the General Construction Activities Storm Water Permit (General Permit). Included with this letter is the staff review sheet, which outlines the required elements for the SWPPP and Monitoring Program.

We have serious concerns regarding your erosion control measures. We believe that applying seed alone is not a sufficient erosion control measure. Established vegetation is a means of erosion control; thus, the seed must be nurtured into vegetation before runoff occurs to be effective erosion control. Additional erosion control measures must be implemented to avoid widespread erosion and sediment loss, and to reduce potential surface water impacts.

Please review this sheet and address any items checked off in the "Not Included" or "Incomplete" columns. These items of deficiency must be addressed in your SWPPP or Monitoring Program, as applicable. Your SWPPP is not complete, until it fully complies with the General Permit requirements. The applicable sections of the General Permit are indicated on the review sheet, for your reference. If an item is not applicable to your particular facility, please indicate as such in your SWPPP or Monitoring Program. You are not required to submit revised copies of the SWPPP and Monitoring Program; however, they must be maintained on site at all times. The revised SWPPP and Monitoring Program will be checked for completeness during our next site visit.

Please note that correspondence to our office after December 6, 2002 should be sent to 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 549-3698 or Jennifer Bitting at (805) 549-3334.

Sincerely,

for: Roger W. Briggs  
Executive Officer

Enclosure: SWPPP and Monitoring Program Review Sheet

**California Environmental Protection Agency**



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cc: Todd Tognazzini  
Department of Fish & Game  
P.O. Box 2785  
Paso Robles, CA 93447

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# California Regional Water Quality Control Board

## Central Coast Region



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Gray Davis  
Governor

November 25, 2002

David Pierson  
P.O. Box 1833  
Rancho Santa Fe, CA 92067

### NOTICE OF VIOLATION; STORM WATER PERMITTING REQUIREMENTS; GOLDIE LANE PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY; WDID# 3 40S319357

Dear Mr. Pierson:

On November 8, 2002, Ryan Lodge of my staff inspected the Goldie Lane Property and found it in violation of the General Construction Storm Water Permit (Permit). While on site, Regional Board staff observed no erosion control and no sediment control. The nearby Huerhuero Creek and a nearby-unnamed creek are tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.

The Storm Water Pollution Prevention Plan (SWPPP) for your site outlines erosion and sediment controls. We were assured by Dave Williams of your staff and by staff of your consultant, EDA Design Professionals, that erosion and sediment control would be in place prior to the first rains of the season as outlined in the SWPPP. However, no erosion control and no sediment control were in place after the first rains (Photos 1, 2). Failure to implement erosion and sediment control measures is a violation of Part C.2 of the Permit.



Photo 1 – No erosion or sediment control.

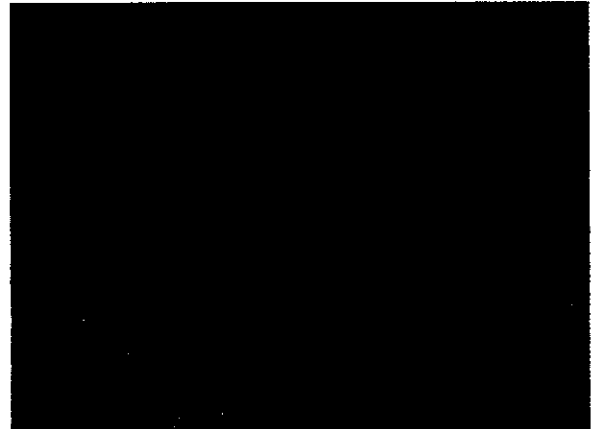


Photo 2 – Gully erosion down hillside.

The access road that transverses the property is also eroding in several locations. There were no erosion or sediment controls on the roadway. As a result the road is washing away at several locations (Photos 3, 4). The road threatens to wash into the unnamed tributary to Huerhuero Creek. Steps should be taken to stabilize the road to prevent further erosion.

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Photo 3 - Road eroding away, no erosion or sediment control.



Photo 4 - Road eroding away, no erosion or sediment control.

General Permit Section A, paragraph 6, states in part:

“At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites.”

You have failed to implement an effective combination of erosion and sediment control as required by the Permit.

Violations of the General Permit constitute violation of Section 13385 of the California Water Code. Corrective action is required immediately to avoid civil liability. Regional Board staff will revisit the site within the next two weeks to ensure compliance with the Permit. The violations outlined herein and any future violations are subject to civil liability, imposed administratively by the Regional Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

Please note that correspondence to our office after December 6, 2002 should be sent to 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 542-4642 or Jennifer Bitting at (805) 549-3334.

Sincerely,

Roger W. Briggs  
Executive Officer

cc: Todd Tognazzini  
Department of Fish & Game  
P.O. Box 2785  
Paso Robles, CA 93447





Photo 3 - Road eroding away, no erosion or sediment control.



Photo 4 - Road eroding away, no erosion or sediment control.

General Permit Section A, paragraph 6, states in part:

"At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites."

You have failed to implement an effective combination of erosion and sediment control as required by the Permit.

Violations of the General Permit constitute violation of Section 13385 of the California Water Code. Corrective action is required immediately to avoid civil liability. Regional Board staff will revisit the site within the next two weeks to ensure compliance with the Permit. The violations outlined herein and any future violations are subject to civil liability, imposed administratively by the Regional Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

Please note that correspondence to our office after December 6, 2002, should be sent to 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 542-4642 or Jennifer Bitting at (805) 549-3334.

Sincerely,

For: Roger W. Briggs  
Executive Officer

cc: Todd Tognazzini  
Department of Fish & Game  
P.O. Box 2785  
Paso Robles, CA 93447

*California Environmental Protection Agency*



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# California Regional Water Quality Control Board

## Central Coast Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>  
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5427  
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis  
Governor

February 21, 2003

David Pierson  
P.O. Box 1833  
Rancho Santa Fe, CA 92067

### **NOTICE OF VIOLATION; CLEANUP OR ABATEMENT ORDER REQUIREMENTS; GOLDIE LANE PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY; WDID# 3 40S319357**

Dear Mr. Pierson:

On January 23, 2003, we issued Cleanup or Abatement Order No. R3-2003-0021 (Cleanup Order) to David Pierson, Goldie Lane Property (Site). The Cleanup Order is for violations of the General Storm Water Permit for Construction Activities (Permit). You have not fully complied with the Cleanup Order requirements. The Cleanup Order states in part the following:

**“By January 31, 2003,** David Pierson shall submit to the Central Coast Regional Water Quality Control Board an updated Storm Water Pollution Prevention Plan, describing immediate actions taken to prevent further sediment from leaving the property. The updated plan shall describe erosion and sediment control BMPs and include an implementation time schedule. The plan shall also discuss inspection and maintenance schedules for on-site BMPs.

**By January 31, 2003,** David Pierson shall prevent erosion by covering all inactive disturbed slopes and stockpiles at the site with effective erosion control BMPs. The erosion control BMPs may include bonded fiber matrix, blankets, mulch, straw, or other means that prevent erosion.

**By January 31, 2003,** David Pierson shall stabilize all access roads on Site to prevent further erosion of the road surfaces.”

We have not received a complete copy of your updated Storm Water Pollution Prevention Plan (SWPPP) as required by the Cleanup Order. An unsigned copy of the SWPPP was submitted on February 13, 2003, but a SWPPP is not complete unless signed.

Regional Board staff visited the Site on February 3, 2003. Installation of erosion control BMPs on some hillsides was observed to be ongoing on the day of the inspection, but coverage was limited (Photo 1). The Cleanup Order requires that you cover all inactive slopes, and stockpiles with effective erosion control BMPs.

Previously eroded sections of the main access road had been filled in with rock and soil (Photo 2). No work had been completed to prevent further erosion of the access road. Site access roads will continue to erode unless stabilizing measures are taken. Hay bale check dams placed at the base of some of the roads will not prevent further erosion.

***California Environmental Protection Agency***

Recycle Paper



Photo 1 – Some straw and seed have been spread on the hillside.



Photo 2 – Access road has not been stabilized.

You have failed to submit a complete SWPPP and implement erosion control as required by the Cleanup Order and are currently in violation of the Cleanup Order and the Permit. You are required to stabilize all inactive disturbed slopes and stockpiles at the site, including site access roads. You are also required to submit a complete updated SWPPP immediately.

Failure to comply with the provisions of a Cleanup or Abatement Order subject you to further enforcement action, including but not limited to, assessment of civil liability pursuant to section 13268, 13350, and 13385 of the Water Code and referral to the District Attorney or Attorney General for injunctive relief and civil or criminal liability. Additionally, violations of the General Permit constitute violation of Section 13385 of the California Water Code and are subject to civil liability, imposed administratively by the Regional Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 542-4642 or Jennifer Bitting at (805) 549-3334.

Sincerely,

Roger W. Briggs  
Executive Officer

cc: See attached list



Photo 1 - Some straw and seed have been spread on the hillside.



Photo 2 - Access road has not been stabilized.

You have failed to submit a complete SWPPP and implement erosion control as required by the Cleanup Order and are currently in violation of the Cleanup Order and the Permit. You are required to stabilize all inactive disturbed slopes and stockpiles at the site, including site access roads. You are also required to submit a complete updated SWPPP immediately.

Failure to comply with the provisions of a Cleanup or Abatement Order subject you to further enforcement action, including but not limited to, assessment of civil liability pursuant to section 13268, 13350, and 13385 of the Water Code and referral to the District Attorney or Attorney General for injunctive relief and civil or criminal liability. Additionally, violations of the General Permit constitute violation of Section 13385 of the California Water Code and are subject to civil liability, imposed administratively by the Regional Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 542-4642 or Jennifer Bitting at (805) 549-3334.

Sincerely,

*Roger W. Briggs*  
For Roger W. Briggs  
Executive Officer

cc: See attached list

cc: Todd Tognazzini  
Department of Fish & Game  
P.O. Box 2785  
Paso Robles, CA 93447

San Luis Obispo County District Attorney  
County Government Center, Room 460  
San Luis Obispo, CA 93408

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# California Regional Water Quality Control Board

## Central Coast Region



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Gray Davis  
Governor

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EDA Design Professionals  
1998 Santa Barbara Street  
San Luis Obispo, CA 93401

March 7, 2003

### LETTER REGARDING GOLDIE LANE PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY; WDID# 3 40S319357

Dear Mr. Emrick:

We received your letters dated February 25, 2003, and March 3, 2003 regarding the Goldie Lane Property. We would like to clarify that we do not concur with points in both of your letters. The February 25, 2003 letter indicates in part the following:

"There is no evidence of erosion from the hillsides entering a creek or a blueline stream. The erosion control measures in place and the cleared brush at the bottom of the slopes is acting as an effective BMP."

As outlined in the February 21, 2003 Notice of Violation (NOV), the site is not in compliance with Cleanup or Abatement Order R3-2003-0021 or the General Storm Water Permit for Construction Activities. As documented in the November 25, 2002 NOV, and the February 21, 2003 NOV, there is evidence of erosion from the hillsides and the roadway entering area surface waters. The property owner has failed to implement an effective combination of erosion and sediment control as required by the Permit.

Your March 3, 2003 letter indicates in part the following:

"The existing site access road that is shown on the current SWPPP does not need to be included in the construction area of the property because no work has been done on the road for years, it is not used for storage of materials and it does not provide necessary access to any part of the construction area. Instead of being administered under the Nation Wide Permit, it would fall under the Point Pollution Discharge Program."

We do not agree that the road is not apart of the project. The Notice of Intent submitted for this project includes the road within the construction site area. As a result of a November 25, 2002 Notice of Violation that we sent regarding the project, work on the main access road has caused additional erosion. Corrective actions must be taken to stabilize the main access road, and the two roads that run off the main access road. Once the roads have been adequately stabilized you may submit a Notice of Termination to remove the stabilized roads from General Permit coverage.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 542-4642 or Eric Gobler at (805) 549-3467.

Sincerely,

**ORIGINAL SIGNED BY**

Roger W. Briggs  
Executive Officer

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**California Environmental Protection Agency**



March 3, 2003

Mr. Ryan Lodge ✓  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, Ca. 93401

Re: Pierson Goldie Lane Property - WDID #3 40S319357

Dear Ryan:

Thank you for the opportunity to show you and Jennifer Bitting the erosion control measures in effect on this property. We appreciate your suggestions on how to improve our erosion control. During our tour of the site, the following was discussed:

1. Straw wattles need to be installed on the upper access way in the area shown on the enclosed photo.
2. The silt fences located at the lower end of the site need to be removed as shown on the current SWPPP.
3. The existing on site access road that is shown on the current SWPPP does not need to be included in the "construction" area of the property because no work has been done on the road for years, it is not used for storage of materials and it does not provide necessary access to any part of the "construction" area. Instead of being administered under the Nation Wide Permit, it would fall under the Point Pollution Discharge Program. We are researching this option to see if it will simplify our coordination with County staff.

Please contact us if you have any questions or comments.

Sincerely;

**eda - design professionals**



Jeffrey J. Emrick, P.E., AIA

cc David Pierson  
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3/11/03 11:41 AM  
3/11/03 11:41 AM



FEB 27 PM 2:42

February 25, 2003

SAN LUIS OBISPO, CA 93401

Mr. Ryan Lodge  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, Ca. 93401

**Re: Pierson Goldie Lane Property - WDID #3 40S319357**

Dear Ryan:

This is to confirm our telephone conversation today regarding your February 21, 2003, Notice of Violation on this property. During our conversation the following points were discussed:

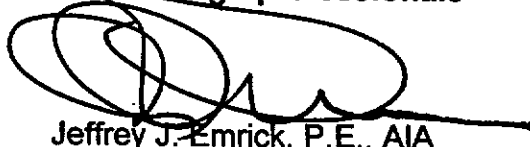
1. The current SWPPP has not been signed by the property owner which is technically a violation. A signed copy will be submitted tomorrow.
2. There is no evidence of erosion from the hillsides entering a creek or a blue line stream. The erosion control measures in place and the cleared brush at the bottom of the slopes is acting as an effective BMP.
3. We have submitted the SWPPP to the County Planning and Building Department for review as the proposed BMPs for control of road erosion are of a nature that a permit is required. The proposed BMPs will also alleviate the current grading violation on the property and they detail the elimination of the existing roadway that is the subject of the violation.

We will commence with the work on the roadways as soon as a permit is issued by the County.

Please contact us if you have any questions or concerns.

Sincerely;

~~eda~~ design professionals



Jeffrey J. Emrick, P.E., AIA

cc David Pierson

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# California Regional Water Quality Control Board

## Central Coast Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

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Gray Davis  
Governor

March 11, 2003

David Pierson  
P.O. Box 1833  
Rancho Santa Fe, CA 92067

**NOTICE OF VIOLATION; STORM WATER PERMITTING REQUIREMENTS; GOLDIE LANE PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY; WDID# 3 40S319357**

Dear Mr. Pierson:

On February 28, 2003, Ryan Lodge and Jennifer Bitting of my staff inspected the Goldie Lane Property and found it in violation of the General Construction Storm Water Permit (Permit). While on site, Regional Board staff observed widespread erosion, and overwhelmed sediment control BMPs (Photos 1, 2). The nearby Huerhuero Creek and a nearby-unnamed creek are tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.



Photo 1 – Eroded hillside.

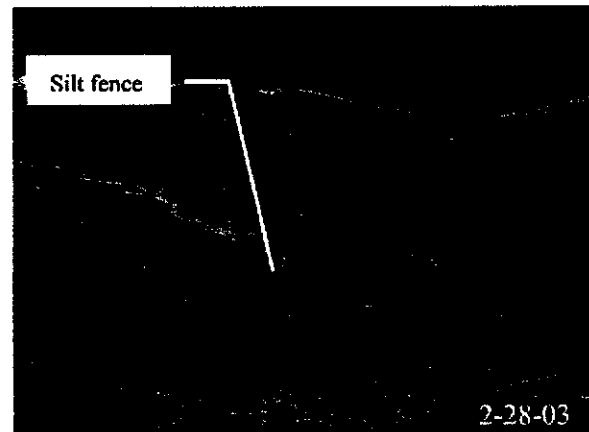


Photo 2 – Silt fence buried under sediment.

The Storm Water Pollution Prevention Plan (SWPPP) for your site revised February 7, 2003, outlines erosion and sediment controls. The SWPPP has not been signed and is not considered complete until it is signed. You have failed to implement a SWPPP in compliance with Part C.2 of the Permit. Your incomplete site SWPPP indicates that you will:

- Re-grade existing access roads to a 2% slope towards the cut slope to prevent drainage from going over the fill side of road.
- Install straw wattle chevrons at access road flow line at sufficient intervals to prevent silt migration.
- Remove silt fencing in blue line stream near convergence with Huerhuero creek.
- Remove accumulated sediment from berms and other sediment control devices.

You have failed to re-grade the access roads. You have not installed the straw wattle chevrons or removed the silt fencing in the blue line stream (Photo 3). Accumulated sediment has not been removed from the sediment control devices. Sediment controls are ineffective once filled with sediment. The hay

**California Environmental Protection Agency**



bale check dams placed at the base of two of the side access roads are ineffective. Erosion is cutting around and under the check dams allowing sediment to flow into the unnamed blue line creek.

Your SWPPP also indicates that you will install straw wattle chevrons to the burn line, install straw wattle slope protection up-slope from brush piles, install mulch or straw cover on areas where germination of aerial seeding is insufficient to hold soil, install hay bale check dams on alternate sides of roadway, and hand seed portion of existing spur road and cover with straw. You have failed to implement any of these measures as outlined in your SWPPP (Photos 4, 5, 6).

General Permit Section A, paragraph 6, states in part:

“At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites. The discharger shall consider measures such as: covering with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, permanent seeding, and a variety of other measures.”



Photo 3 – Silt fence in the blue line creek.



Photo 5 – No germination on hilltop, and no mulch or straw covering bare soil.



Photo 4 – No straw wattles along burn section.

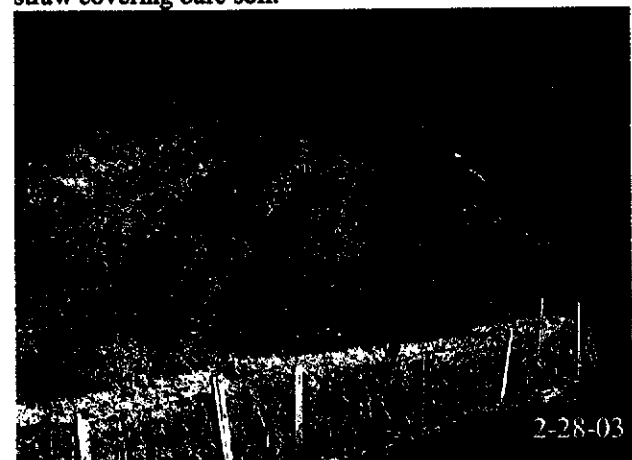


Photo 6 – Spur road, no straw coverage, no evidence of seeding.

You have failed to implement a SWPPP and implement erosion control as required by the Permit. You are required to stabilize all inactive disturbed slopes and stockpiles at the site, including site access roads. You are also required to submit a complete updated signed SWPPP to this office by March 21, 2003. The SWPPP shall include a schedule of BMP installation.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 542-4642 or Jennifer Bitting at (805) 549-3334.

Sincerely,



Roger W. Briggs  
Executive Officer

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cc: Todd Tognazzini  
Department of Fish & Game  
P.O. Box 2785  
Paso Robles, CA 93447

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P.O. Box 6884  
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# California Regional Water Quality Control Board

## Central Coast Region



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Gray Davis  
Governor

March 17, 2003

Certified No. 7000 0520 0019 0359 7381

David Pierson  
P.O. Box 1833  
Rancho Santa Fe, CA 92067

### **CLEANUP OR ABATEMENT ORDER; GOLDIE LANE PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY; WDID# 3 40S319357**

Dear Mr. Pierson:

This letter transmits Cleanup or Abatement Order No. R3-2003-0062 (Cleanup Order), and rescinds Cleanup Order No. R3-2003-0021. Cleanup Order No. R3-2003-0062 is issued to David Pierson as a result of the significant violations of the General Construction Storm Water Permit between November 8, 2002, and February 28, 2003. On February 28, 2003, Ryan Lodge and Jennifer Bitting of my staff inspected the Goldie Lane Property and found it in violation of the General Construction Storm Water Permit (Permit). While on site, Regional Board staff observed widespread erosion, and overwhelmed sediment control BMPs (Photos 1, 2). The nearby Huerhuero Creek and a nearby-unnamed creek are tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.



Photo 1 - Eroded hillside.

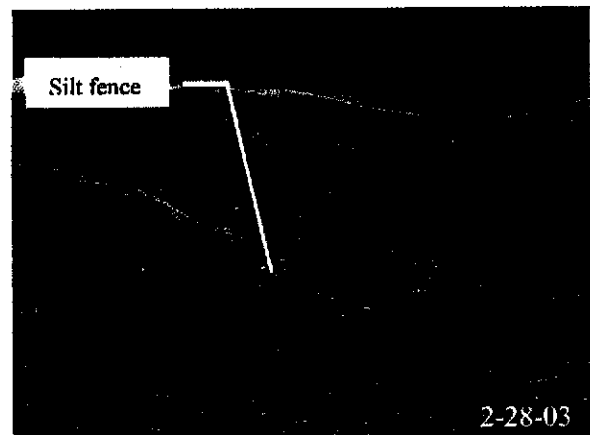


Photo 2 - Silt fence buried under sediment.

The current Storm Water Pollution Prevention Plan (SWPPP) for your site dated October 21, 2002, outlines erosion and sediment controls. You have failed to implement a SWPPP in compliance with Part C.2 of the Permit. Your site SWPPP indicates that you will:

- Install straw wattles as shown on the erosion and sediment control plan.
- Stabilize denuded areas within 14 days of last clearing activity in that area.
- Remove accumulated sediment from berms and other sediment control devices.

You have not installed the straw wattles. You have failed to stabilize denuded areas within 14 days of last clearing activity and have failed to stabilize denuded areas to date. Accumulated sediment has not been removed from the sediment control devices. Sediment controls are ineffective once filled with sediment.

***California Environmental Protection Agency***

The silt fencing installed within the blue line creek tributary to the Huerhuero Creek should be removed immediately. Installation of silt fencing across the directional water flow is not an effective BMP. Measures should be in place to prevent the discharge of sediment into the blue line creek.

General Permit Section A, paragraph 6, states in part:

"At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites. The discharger shall consider measures such as: covering with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, permanent seeding, and a variety of other measures."

**Regional Board staff plans to inspect the Goldie Lane Property again. Please ensure that all Best Management Practices required by the General Permit are employed on site before the next rain, or by the dates in this Cleanup Order, whichever is sooner. Questions regarding this matter may be directed to Ryan Lodge at (805) 542-4642 or Eric Gobler at (805) 549-3467.**

Sincerely,

**ORIGINAL SIGNED BY**

Roger W. Briggs  
Executive Officer

S:\WB\Central Watershed\Storm Water\Construction\NOVs\Creston\PiersonNOV2-18-03.doc

cc: Todd Tognazzini  
Department of Fish & Game  
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**INTERNAL MEMO**  
**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**  
**895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401**

ORIGINAL SIGNED BY

TO: Chris Adair

FROM: Mark Angelo

DATE: April 1, 2004

SIGNATURE:

**SUBJECT: Assessment of Sediment Conditions and Possible Impacts to Beneficial Uses from Sediment on the Kelegian and Pierson Properties**

As you requested, I accompanied Jennifer Bitting and Bruce Paine from our office to the Pierson and Kelegian properties in order to assess sediment conditions and possible beneficial use impacts in watercourses that may have received excessive sediment from grubbing activities on the above properties. We visited the properties on Friday, March 26, 2004. Brad Hagemann from our office and the owners' representatives Jeff Emrick (Principal Project Manager) and Josie Joosten (Project Coordinator) from Engineering Development Associates, Inc. of San Luis Obispo also accompanied us.

My observations are given below for each property and my general findings are given in the last section of this memo.

### **Pierson Property**

The Pierson property lies about 6 miles northeast of Santa Margarita in San Luis Obispo County just north of State Highway 58. The Pierson property consists of the Sec. 36, T.28.S, R.13.E, MDBM, Assessor's Parcel Number 043-291-001 (approx 674 acres).

Average annual rainfall for the property is 14 inches with elevations ranging from approximately 1160 ft along the Middle Branch of Huerhuero Creek to 1857 ft along the western boundary of the property. The property consists of steep canyons with intervening ridgelines with steep slopes along Middle Branch of Huerhuero Creek (see Figure 1). Soils found on the property are primarily coarse sandy loams on steep slopes. Natural vegetation consists of chaparral with oaks and pine in some areas. The soil erodibility factor (k-factor in Table 1) is a measure of the susceptibility of a soil to particle detachment and transport by rainfall. The possible range of values of the k-factor is 0.02 to 0.69. The higher the value, the more susceptible the soil is to erosion.

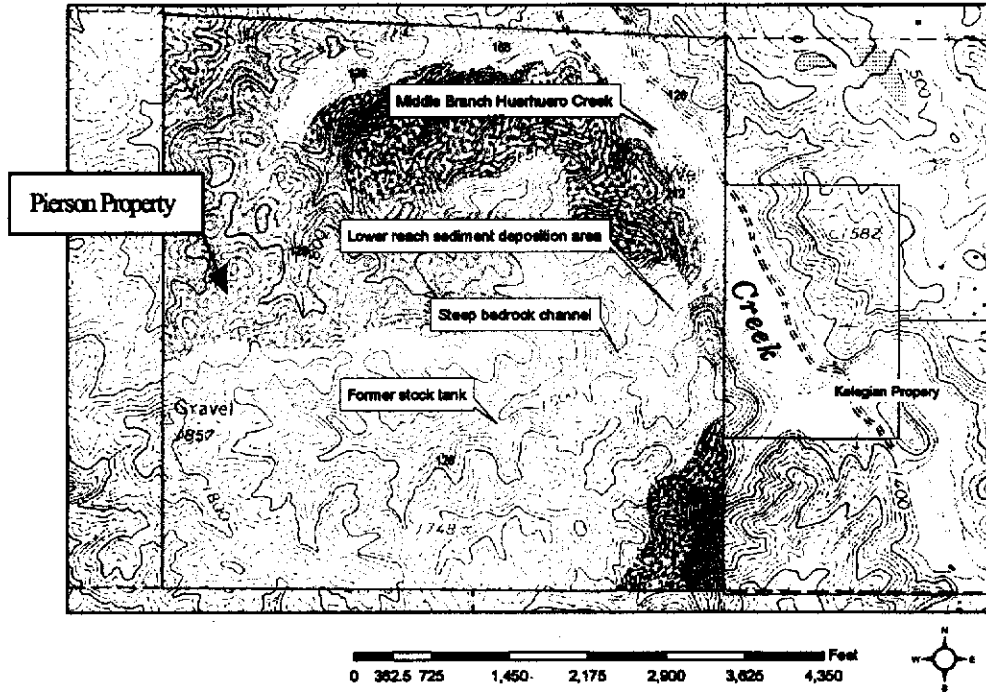


Figure 1 Pierson property showing soil units with 7.5-minute quad background (Soil Map Units on the map correspond to Soil Map Units in Table 1)

Table 1 Soils on Pierson Property

Map Symbol	Soil	Slope (%)	K-factor	Erosion Hazard	Approx Area (Acres)
126	Cieneba coarse sandy loam	30 to 75	0.24	Very High	346
127	Cieneba-Andregg coarse sandy loams	30 to 75	0.24, 0.24	Very High	96
128	Cieneba-Vista coarse sandy loams	30 to 50	0.24, 0.28	Very High	156
166	Metz loamy sand	0 to 5	0.17	Slight	4
212	Xerofluvents-Riverwash association				26

The area that was grubbed is the located along the ridgeline and steep slopes south of the unnamed tributary. Approximately 40 acres of the 674-acre site were grubbed during the summer of 2002.

I evaluated portions of an unnamed tributary to the Middle Branch of Huerhuero Creek (see Figure 1). Sediment deposits were noted in the lower reach, two small side channels and in an area of a former stock tank. The soils in the grubbed area are primarily Cieneba coarse



sandy loam that corresponds with the grain size of the sediment deposited in the unnamed tributary.

I observed freshly deposited, as well as previously deposited sediment in the lower reach of the unnamed tributary (see Figure 2 and Figure 3). The lower reach is defined as the area downstream of a section of steep bedrock channel and upstream of the confluence with the Middle Branch of Huerhuero Creek, and is approximately 1000 feet long. Unconsolidated sediment depths ranged up to 16 inches in the area depicted in Figure 2 and up to 10 inches in the area depicted in Figure 3. The width of sediment deposit in Figure 2 is approximately 21 feet and in Figure 3 is approximately 4.5 feet. Just downstream of the of the bedrock channel, there is an area that exhibited sediment deposition with subsequent downcutting (see Figure 4). The original deposition was 20 inches deep and 6.5 feet wide and was subsequently downcut a depth of 14 inches and a width of 5 feet.

Moving upstream, between the bedrock channel and the former stock tank, the slope of the watercourse is such that sediment is mostly transported through this section and not much sediment deposition occurs. The whole length of this section was not evaluated, but where it was evaluated (see Figure 5), small pockets of sediment were observed between areas were no deposition occurred. The length of this section is approximately 1200 feet.

In the area of the former stock tank, I noted sediment deposition in the unnamed tributary (see Figure 6) as well as a side drainage that drains part of the grubbed area (see Figure 7). A ranch road that runs parallel to the watercourse and two steep side roads intersect the main road adjacent to the stock tank (see Figure 8) contribute to the sediment load. A small gully system with headcuts has developed in the old sediment deposits within the former stock tank. The gullies form as the watercourse adjusts to a new base level caused by the breaching of the old earthen dam (see Figure 9).

Further upstream, where the ranch road crosses the watercourse, no new sediment deposits were observed. The area above this point had not been grubbed.

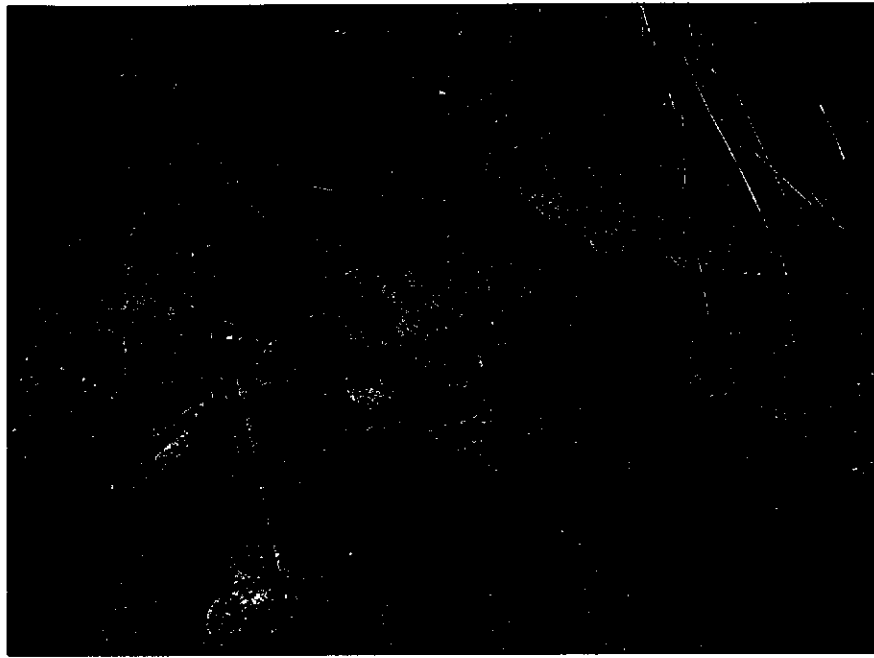
One last observation. Grubbing activities along the ridge may have functioned as a firebreak in the 2002 wildland fire that burned the adjacent watershed.



**Figure 2 Pierson Property - Sediment deposition in unnamed tributary just upstream of confluence w/Middle Branch Huerhuero Creek (looking upstream)**



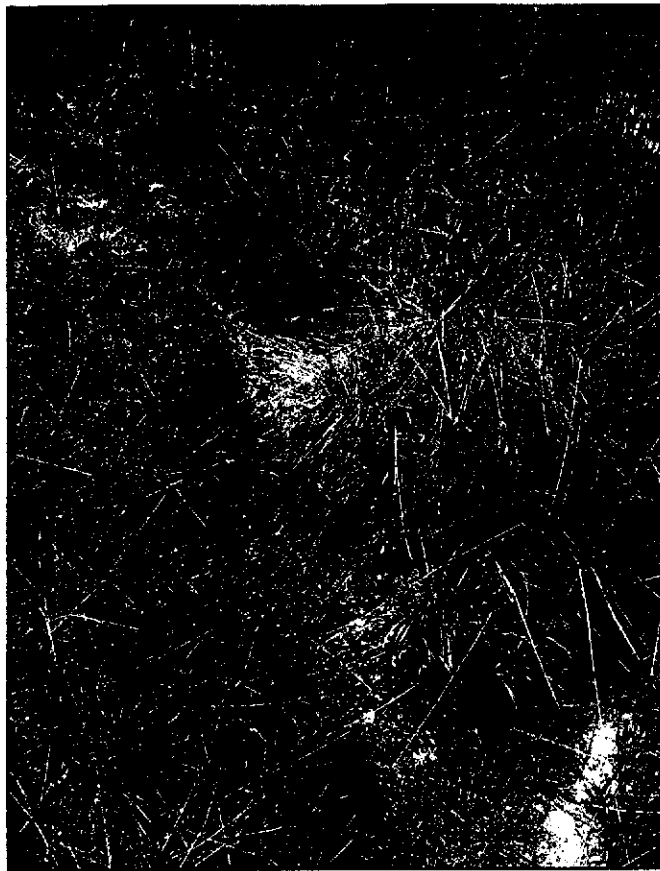
**Figure 3 Pierson Property - freshly deposited sediment in lower reach unnamed tributary - just upstream of section in Figure 2 (looking upstream)**



**Figure 4 Pierson Property - sediment deposition with subsequent downcutting in unnamed tributary - close-up**



**Figure 5 Pierson Property - Small areas of sediment deposition between clear areas – reach located between bedrock channel and former stock tank. Note moisture at bottom of photo. This was the only length of watercourse (approx. 10 feet) observed with surface water.**



**Figure 6 Pierson Property – Small gully with headcut in former stock tank with some sediment deposition in foreground.**



**Figure 7 Pierson Property - sediment deposition in side drainage to unnamed tributary just upstream of confluence at former stock tank**



**Figure 8 Pierson Property - Looking SE into unnamed tributary (former stock tank in middle distance)**



**Figure 9 Pierson Property - Earthen dam with breach at former stock tank (looking downstream)**

## **Kelegian Property**

The Kelegian property lies about 6 miles northeast of Santa Margarita in San Luis Obispo County a little ways off of State Highway 58. The Kelegian Property consists of the S $\frac{1}{2}$ , Sec. 31, T.28.S, R.14.E, MDBM and the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Sec. 31, T.28.S, R.14.E, MDBM. It is composed of Assessor Parcel Numbers (APN) 43-301-01 (approx 305 acres) and APN 43-301-02 (approx 107 acres). The total acreage of the property is approximately 412 acres.

Average annual rainfall for the property is 14 inches with elevations ranging from approximately 1180 ft along the Middle Branch of Huerhuero Creek to 1700 ft at some isolated spots along the southern boundary of the property. Steep slopes occur along the Middle Branch of Huerhuero Creek while the upper part of the property consists of gently rolling hills (see Figure 10). Soils found on the property are primarily coarse sandy loams with some fine sandy loams found along the intermittent blue-line watercourse on the upper eastern portion of the property. The soil erodibility factor (k-factor in Table 2) is a measure of the susceptibility of a soil to particle detachment and transport by rainfall. The possible range of values of the k-factor is 0.02 to 0.69. The higher the value, the more susceptible the soil is to erosion. Natural vegetation consists of chaparral with oaks and pine in some areas.

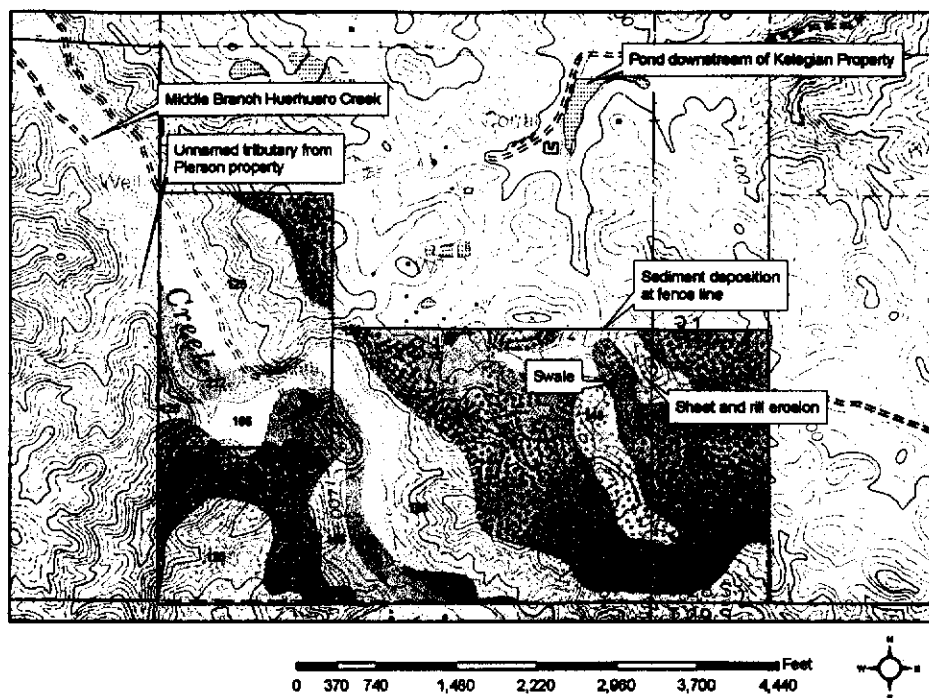


Figure 10 Kelegian property showing soil units with 7.5-minute quad background (Soil Map Units on the map correspond to Soil Map Units in Table 2)

Table 2 Soils on Kelegian property

Soil Map Unit	Soil	Slope (%)	K-factor	Erosion Hazard	Approx Area (Acres)
126	Cieneba coarse sandy loam	30 to 75	0.24	Very High	120
127	Cieneba-Andregg coarse sandy loams	30 to 75	0.24, 0.24	Very High	41
128	Cieneba-Vista coarse sandy loams	30 to 50	0.24, 0.28	Very High	104
148	Hanford and Greenfield fine sandy loam	2 to 9	0.24	Moderate	24
166	Metz loamy sand	0 to 5	0.17	Slight	19
211	Vista-Cieneba coarse sandy loams	15 to 30	0.28, 0.24	High	46
212	Xerofluvents-Riverwash association				22

The majority of the grubbed area on the Kelegian Property is located on the eastern side of the larger parcel with some occurring on a steep slope east of the Middle Branch of the Huerhuero Creek in the northeast corner of the smaller of the two parcels.

I evaluated two areas on this property. One area includes a blue-line watercourse that flows north to the East Branch of Huerhuero Creek across a fence line on the northern boundary of the property. As stated in the summary, the blue-line watercourse on the Kelegian property is more properly called a swale. It has no defined banks and it appears to be an ephemeral watercourse that runs only when run-off during storm events enters the swale. The other area was below a steep slope that drains to the Middle Branch of Huerhuero Creek.

I did not other evaluate two areas on the property that had been grubbed. These areas do not drain to the areas I evaluated, so any sediment contribution from these areas was not evaluated. These areas are located at the eastern edge of the larger parcel. On the northeast side, a grubbed area drains to the property to the north. In the southeast corner, an area drains to a blue-line watercourse that drains south towards Highway 58 and eventually to the Middle Branch of Huerhuero Creek.

I observed sediment deposits upstream of the fence (see Figure 11) located along the property line. It appears that organic matter was lodged against the fence and acted as a fairly effective barrier to sediment transport. Very little sediment was noted on the adjacent property north of the fence. The sediment deposit is fan shaped with the base located along the fence with a width of approximately 35 feet. The sediment deposit extends uphill from the fence approximately 300 feet (see Figure 12 for upper extent of deposition). Small areas of sediment deposition were observed in the swale above the larger deposit shown in Figure 11 and Figure 12. An example of the grubbed area upstream of the swale, as it appeared prior to revegetation is shown in Figure 13.

The steep slope that drains into the Middle Branch of Huerhuero Creek (see Figure 14) has been revegetated by the owner and a series of straw bale check dams have been installed to capture sediment prior to its entering the creek. No discernible impacts from this grubbed area were observed in the creek. A small length of vertical stream bank along the road below this area has failed, but this is not unusual in this type of system and it does not appear to be associated directly with the grubbing activity on the slope above.

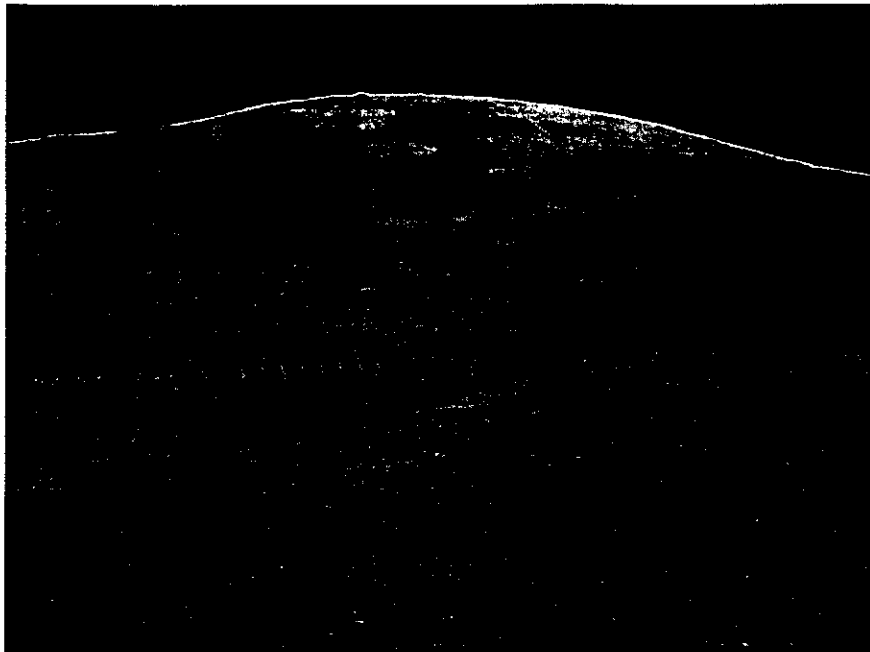




**Figure 11 Kelegian Property - Sediment deposition along fence line, looking north to adjacent property  
(Photo: Ryan Lodge March 3, 2003)**



**Figure 12 Kelegian Property - Swale upstream of fence line  
(Photo: Ryan Lodge March 3, 2003)**



**Figure 13 Kelegian Property - Sheet and rill erosion prior to revegetation on slope that drains into the swale  
(Photo: Ryan Lodge November 14, 2002)**



**Figure 14 Kelegian Property - Grubbed area on steep slope**

## **Comparison to Fire-Related Sediment Deposition**

I have included a couple photos of watercourses that have received sediment from areas that were burned in the 2002 fire. These are presented so you can visually compare the watercourses on the two properties that I visited with the watercourse that has received increased sediment as a result of the natural disturbance regime of fire and post-fire rainfall. I did not attempt to take measurements or look at contributing areas to the watercourses in the photos below.



**Figure 15 Side drainage on south side of State Route 58 showing deposition and subsequent downcutting (sediment from burn area)**



**Figure 16 Sedimentation in channel adjacent to Route 58 at road crossing to side channel in previous picture**

### **General Findings**

The two unnamed watercourses that I evaluated on the Pierson and Kelegian properties are assigned the beneficial uses of Aquatic Life, Recreation and Municipal and Domestic Supply (MUN) as generically designated by our Basin Plan (Chap 2, Section I, p. II-1). For these watercourses, Aquatic Life has been interpreted to mean warm fresh water habitat (WARM). Sediment (settleable solids) would most likely impact the warm fresh water habitat beneficial use, so that is what this assessment addresses. I did not attempt to assess any impacts associated with suspended sediment because no suspended sediment data was available for the watercourses and there was no running water when I visited the properties.

Impacts to the beneficial uses in Huerhuero Creek downstream of the two properties were not assessed because no sediment deposits attributable to the grubbing operations were observed and no suspended sediment data is available. The beneficial uses assigned to Huerhuero Creek include:

1. Municipal and Domestic Supply (MUN)
2. Agricultural Supply (AGR)
3. Ground Water Recharge (GWR)
4. Water Contact Recreation (REC1)
5. Non-Contact Water Recreation (REC2)
6. Wildlife Habitat (WILD)

7. Cold Fresh Water Habitat (COLD)
8. Warm Fresh Water Habitat (WARM)
9. Rare, Threatened, or Endangered (RARE)
10. Commercial and Sport Fishing (COMM)

Potential impacts from sediment to beneficial uses in Huerhuero Creek include loss of habitat, direct smothering of aquatic organisms and, for suspended sediment, interference with feeding behavior for aquatic organisms, direct physical impacts to aquatic organisms such as clogging and/or abrasion of gills, or degradation of water due to high turbidity for MUN or AGR use.

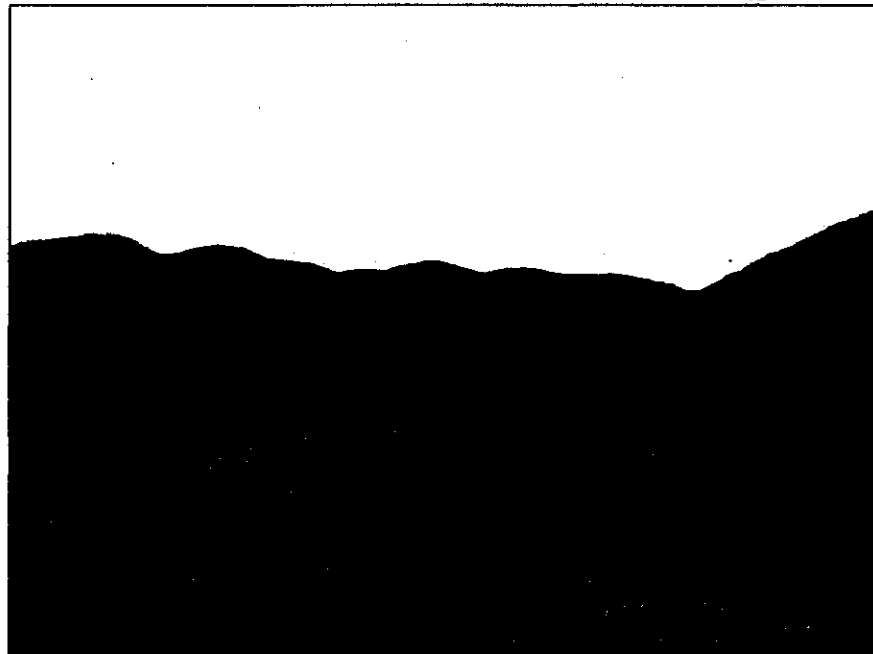
The blue-line watercourse on the Kelegian property is more properly called a swale. It has no defined banks. It appears to be an ephemeral watercourse that runs only when run-off during storm events enters the swale. The watercourse that was evaluated on the Pierson property is an intermittent watercourse. It may only run above ground during wet years, and may only do so in certain sections of the watercourse. More detailed descriptions can be found in the individual property write-ups.

Both watercourses that were evaluated contained sediment derived from the grubbing operations that were performed on the properties.

I have no knowledge of the type of aquatic community that would be found the watercourses that on the Kelegian and Pierson properties and developing this information is beyond the scope of this assessment. Without a direct knowledge of the life history requirements of the various members of the local aquatic community, no definitive statement of impacts of sediment deposition to that community can be made. That being said, potential impacts to the aquatic community include loss of specific types of habitat due to excessive sediment deposition or death of aquatic organisms due to smothering by sediment.

Although speculative in nature, some aquatic organisms may be adapted to a disturbance regime that includes periodic inputs of sediment. The area where these properties are located is subject to extremely high natural sediment inputs, especially after fires (see Figure 15 and Figure 16). Therefore, excessive sediment may cause a shift in the aquatic community in favor of those organisms that require a sandy substrate in order to flourish.

I did not observe any sediment deposits in the Middle Branch of Huerhuero Creek that I could directly attribute to the grubbing operations. This is because the creek transports naturally high sediment loads and it is not easy to discern changes to its bed composition that are caused by sediment inputs from the grubbing operations. The Middle Branch of Huerhuero Creek is approximately 200 feet across where run-off from the two sites would enter it. The creek bottom consists of particles ranging in size from fine sand to cobbles (see Figure 17). Steep cut banks supply sediment directly to the creek bed and all tributaries deliver various levels of sediment to the creek.



**Figure 17 Looking southwest from Kelegian property across Middle Branch of Huerhuero Creek at the confluence of unnamed tributary on Pierson Property (Note light green ridgeline in center of photo. This is one of the grubbed areas on the Pierson Property that has been revegetated.)**  
(All photos by Mark Angelo, March 26, 2004 unless otherwise noted)

The East Branch of the Huerhuero Creek was not visited.

Observations of the main unnamed blue line watercourse on the Kelegian property and on the property just to the north of the Kelegian property led me to believe that no significant amount of sediment reached the East Branch via this watercourse. This is based on following observations:

1. Most of the sediment resulting from disturbance appears to have been deposited on the Kelegian property behind the fence at the property line,
2. Observed sediment deposits on the property immediately to the downstream and to the north is minimal,
3. There is a pond approximately 1/3 of a mile north of the property line the where most of the sediment that made it that far would settle out of the water column. Also, the distance to the East Branch of the Huerhuero Creek is approximately 1.5 miles from the northern property line along the watercourse course.

The source of the sediment in the bed of the watercourse on the Kelegian property is obvious since there is a direct connection between the grubbed land and the watercourse. The area where sediment has accumulated is limited.

On the Pierson property, the sources of the sediment are not always directly connected to the watercourse. Observations of two side drainages that were grubbed led me to believe that sediment from the grubbing entered the watercourse via these side drainages, which in turn received some of their sediment load from the grubbed areas. Other sources of sediment in this watercourse are from the ranch roads and possibly from a small area of the watershed that was burned in 2002 as part of a larger wildland fire. I observed sediment deposits in the lower section of the creek as well as at a point upstream where a side drainage enters an area that was previously used as a stock tank.

### **Recommendations**

Some recommendations for future investigations of this type are listed below. These apply to watercourses where activities that may increase sediment supply to a watercourse have occurred:

1. Photos of watercourses should be taken. These should be taken prior to the rainy season, if possible. Follow-up photos should be taken after the rainy season. Monumented photo points should be used in order to develop a set of comparable pre- and post-rainy season photographs. The "Clean Water Team" protocol for photo documentation that has been incorporated into our Regional Sediment Assessment provides a good procedure for this.
2. An assessment of the watercourse bed conditions should be performed. This should be done prior to the rainy season, if possible. A follow-up assessment should be performed after the rainy season. This will allow for pre- and post-rainy season comparison to watercourse bed conditions. The appropriate assessment methodology would need to be selected based on the channel conditions at the site.
3. If pre- and post-rainy season data cannot be gathered, then a comparable watercourse that is not expected to have impacts from excess sedimentation should be found to use as a reference watercourse.
4. We need to develop a better knowledge base of the aquatic communities in the drier areas within our Region in order to be able to make more definitive statements of sediment impacts to Beneficial Uses.

cc. Brad Hagemann  
Lisa McCann  
Jennifer Bitting  
Bruce Paine