

*From the desk of...*

SARAH CHRISTIE 4355 LA PANZA RD. CRESTON, CA 93432

August 27, 2003

Roger Briggs  
Executive Officer  
RWQCB  
895 Aerovista Pl. #101  
San Luis Obispo, CA 93401-5427

RE: Clean Up and Abatement Order; Goldie Lane Property; Santa Margarita

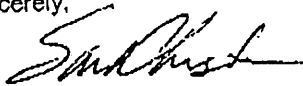
Dear Mr. Briggs:

Your letter of 8/25 fails to adequately address the concerns raised in my letter dated 8/18. I specifically requested that your decision to address the Pierson grading violation as an agriculturally exempt activity under the Clean Water Act be agendized for a full public hearing before your Board. This departure from your previous position that the property owner must comply with the NPDES permit sets a very disturbing precedent, and ignores all of the facts of the case. Essentially, you are saying that you are choosing to believe the assertions of the land owner that he cleared the site to plant olives, even though he has no background in agriculture, has planted no olives in the last year, has hired a real estate broker, not an olive farmer to manage the site, has produced no evidence of any contract to purchase olive seedlings, has applied to subdivide the property for residential development, has advertised the lots for sale on the internet as having "hilltop homesites," has been cited for grading violations by the county for roads that do not even meet the test for county ag roads, has graded numerous hilltop areas that are obviously pads for future homes, has testified before the county subdivision review board that he plans to develop the site for residential uses and sell the lots, and the county's own negative declaration states that the site is unsuitable for agriculture. To assert that last year's massive grading violations were agricultural in nature goes against all of the evidence in the public record, as well as basic common sense. Should you not reconsider your decision, I fear that this will create a precedent which this land owner and countless others throughout the state will exploit to pursue similar development activities.

While I support your efforts to stabilize the site before the winter rains, your decision to pursue this matter under the Porter Cologne Act means that the property owner will not be subject to civil liability fines that would otherwise apply to his violations should matter be pursued as a violation of the NPDES permit. Fines are more than warranted in this case, as the damage was substantial and you have been attempting to persuade Mr. Pierson to repair the site for the last year. Fines are also an important means of deterrence, to lessen the likelihood that this type of activity will be considered just the "cost of doing business." As noted previously, the property owner has purchased approximately 3,000 acres in the area which he is currently in the process of rezoning and subdividing to increase its development potential. The hillsides that eroded last winter and spring will never be restored. The public deserves some form of compensation for this environmental disaster, as does your agency for the staff time and resources you have invested.

Once again, I urge you to rescind your August 12 letter and agendize this matter for a full public hearing so that your Board can provide some direction in this important policy matter.

Sincerely,



Sarah Christie