



April 11, 2007

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

VIA email to [jcaruso@co.slo.ca.us](mailto:jcaruso@co.slo.ca.us)

Re: Comments on Draft Environmental Impact Report, Santa Margarita Ranch  
Agricultural Cluster Subdivision and Future Development Plan

Dear Mr. Caruso:

Thank you for this opportunity to provide comments on the Draft Environmental Impact Report ("DEIR") for the Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan. As you know, this project would subdivide a 3,778 acre portion of the ranch into 112 residential lots, and also includes plans for an additional 402 residential units; golf course, club house and pro shop; guest ranch, lodge, and restaurant; 12-room bed and breakfast; cafe; amphitheater; crafts studios, galleries and shops; interpretive center and gift shops; seven wineries with tasting rooms and permitted special events; neighborhood park and swimming pool; three ranch/farm headquarters; one livestock sales yard and café; three places of worship; and a retreat center.

Los Padres ForestWatch is concerned about the scope and magnitude of this development because portions of the project are located on private land within the administrative boundary of the Los Padres National Forest, adjacent to the Santa Lucia Wilderness Area. ForestWatch is a community-based nonprofit organization working to protect and restore the Los Padres National Forest. Our primary focus is to ensure that land use activities on or near the forest do not significantly impact forest resources such as wildlife, clean water, and wilderness. Our work is supported by more than 500 members, many of whom use the national forest adjacent to the project area for outdoor recreation, scientific study, and scenic enjoyment.

We are writing to identify several potential impacts of this project on the Los Padres National Forest and the Santa Lucia Wilderness Area that were not analyzed in the DEIR. Specifically, a development of this massive scale will detract from the wilderness character of these lands by adding noise, air pollution, excessive visitation, and visual blight to the wilderness

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area. Second, the project includes groundwater extraction, which could affect water supplies upstream in the Los Padres National Forest. The DEIR fails to analyze impacts of the development on recovery efforts for the endangered California condor. The project area is in close proximity to the Hi Mountain Lookout, a focal point in the condor recovery effort, and land in and around the project area may eventually be used for feeding and roosting as the condor expands its range. Finally, both components of the project allow development immediately adjacent to the Santa Lucia Wilderness Area, which could result in cumulative impacts from fire suppression and pre-suppression activities required to create defensible space around structures.

None of these issues are addressed in the DEIR, despite many of them being addressed in a letter from the U.S. Forest Service to the County in 2004. We urge the County to analyze these issues in the DEIR and propose strong and effective mitigation measures to reduce these significant impacts. Due to the significance of this new information, we believe that the California Environmental Quality Act will require recirculation of the DEIR before it is finalized so that the public will have an adequate time to comment on the new analysis and proposed mitigation measures.

1. The DEIR Fails to Adequately Analyze Impacts to the Wilderness Character of the Santa Lucia Wilderness Area

Portions of the project area, including the cluster subdivision, are immediately adjacent to the Santa Lucia Wilderness. Congress established the Santa Lucia Wilderness Area in 1978 as part of the Endangered American Wilderness Act (Pub. Law 95-237, February 24, 1978). It contains approximately 20,000 acres of pristine lands along East Cuesta Ridge. Congress established this wilderness area, in part, to “guarantee the continued viability of the Santa Lucia watershed and to insure the continued health and safety of the communities serviced by such watershed.” *Id.* at §2(c).

The wilderness is accessible from Highway 101 via East Cuesta Ridge Road and the Upper Lopez trailhead; from Lopez Lake via the Little Falls trailhead; and from Pozo Road, just east of the project area, via the Rinconada trailhead. Development along these access routes, particularly at the scale and intensity of the proposed project, would result in significant impacts to scenic and recreational resources along these access corridors. These significant impacts must be analyzed and mitigated in the DEIR.

The wilderness area contains several hiking trails and primitive campsites, including the Upper Lopez camp, Sulphur Pot camp, the Upper Lopez trail, and the Big and Little Falls trail. Development adjacent to the wilderness boundary may be visible from these sites and could add noise and visual blight to the wilderness character, scenic qualities, and recreational experience in the wilderness. These impacts must be analyzed and mitigated in the DEIR.

The Clean Air Act requires agencies to prevent the significant deterioration of air quality in wilderness areas. Development adjacent to the wilderness boundary, including pollutants generated from project construction and post-construction activities such as vehicle trips, have

the potential to degrade the air quality in the Santa Lucia Wilderness. The DEIR must analyze and mitigate these impacts.

Finally, large-scale development adjacent to wilderness areas inevitably results in increased visitation and recreational use of the wilderness area. Such increased visitation may exceed the capacity of existing recreational infrastructure (trails and camps) in the wilderness area, resulting in user conflicts and overcrowding and detracting from the wilderness character of the area. Increased visitation may also cause unintended impacts to forest resources, such as streams and other sensitive habitat areas. The DEIR must analyze and mitigate these impacts.

We urge the County to work with the U.S. Forest Service to ensure that any new trails leading from the project area to the national forest are designed to be efficient and environmentally sound, and open to the public. In a letter to the County dated December 16, 2004, the Forest Service recommended “a planned trail system to provide non-motorized access to the Forest. We would like to work with the County and the Developer so that any trail system leading to the Forest will be both efficient and environmentally sound. Whatever non-motorized trail access is developed from the development to the National Forest should also be open to the general public. This will concentrate use on one managed trail system, and will ensure that no one group has exclusive access to the Forest.” We agree. For reference, we’ve attached a copy of the Forest Service’s letter to this letter.

2. The DEIR Fails to Analyze the Impacts of Groundwater Extraction on Upstream Water Supplies in the Los Padres National Forest

The applicant proposes to use groundwater to provide water for domestic use. According to the DEIR, the proposed Subdivision would use about 96 acre-feet per year (afy) of water. The DEIR concludes that this demand “may contribute to overdraft of the aquifer system” and, citing an “uncertainty of additional water supply,” would result in Class I “significant and unavoidable” impacts. DEIR at p.4.14-1. Moreover, the Future Development component would use nearly ten times this amount, 926 acre-feet per year. According to the DEIR, groundwater impacts under this component are “significant and unavoidable” as well.

The DEIR analyzes impacts of the project’s groundwater extraction on other wells and water users in the area, but fails to analyze the impacts of aquifer drawdown on water resources in the Los Padres National Forest. Several streams on national forest land may dry out earlier, and begin flowing later, if additional groundwater is extracted, including several tributaries of Trout Creek, Burrito Creek, and Rinconada Creek. This could affect wildlife habitat, water quality and quantity, recreation, and wilderness character in these areas.

The Forest Service addressed this issue in its letter responding to the Notice of Preparation. Specifically, the agency stated that “[g]roundwater use associated with the project area could lower the water table and thus affect the amount and levels of water on the National Forest, which is above the project area in the watershed. Extracting groundwater could negatively impact the water dependent vegetation and wildlife uphill from the project. The extent of this impact should be analyzed if ground water extraction is proposed.”

The DEIR ignores this comment and does not address the effects of groundwater withdrawals on water supplies in the national forest. The DEIR must analyze these impacts and propose mitigation measures to mitigate any impacts found to be significant.

The DEIR also fails to contain basic baseline data on the safe yield of the groundwater aquifer. Specifically, the DEIR states that “groundwater level and production data have been collected intermittently and have not been collected over a complete hydrologic cycle. Therefore, groundwater data from the Ranch are not sufficient to determine the long-term impacts of existing and proposed groundwater pumping.” DEIR at p. 4.14-5. If the County does not know how much water exists in the affected basin, or what its safe yield is, then the agency cannot possibly know what levels of additional withdrawals would involve significant impacts. As several courts have agreed, “An estimate of the volume of groundwater in the aquifer is critical to a well-informed determination of whether the risk...is worth taking.” Cadiz Land Co. v. Rail Cycle, 83 Cal.App.4<sup>th</sup> 74 (4<sup>th</sup> Dist. 2000). Without this information, the decision makers and the public cannot understand how big an impact the project will create with respect to groundwater withdrawals.

3. The DEIR Fails to Analyze the Impacts of the Development on Recovery Efforts for the Endangered California Condor

The endangered California condor uses the Cuesta Ridge as a primary flyway between condor populations on the Big Sur coast and populations to the south. So important is this area that the Hi Mountain Lookout, located just a few miles east of the project area, was recently refurbished and is now a fully functional component of the condor recovery program. The Hi Mountain lookout is located adjacent to designated critical habitat for the condor at Huff’s Hole, and serves as a strategic location for condor radio telemetry.

According to a recent article (attached), plans are underway to create a central condor feeding location in the Santa Lucia Wilderness. Since the project is adjacent to the wilderness, the DEIR should include an analysis of whether increased human activity in this area will affect condor recovery efforts. Specifically, the DEIR should consider that the proposed development will increase visitation and use of the Los Padres National Forest and introduce more microtrash in areas frequented by condors. During the past several years, some condors have required extensive surgery to remove large amounts of trash that they ingested from other developed areas. The DEIR should also analyze the effects of the development on the habituation of condors to human presence, and whether the development would require the construction of powerlines in condor flight areas. The current DEIR makes no mention of the California condor.

4. The DEIR Fails to Analyze the Impacts of Fire Suppression Activities on the Los Padres National Forest

Placing homes and other occupied structures in close proximity to the Santa Lucia Wilderness Area may require that fire protection measures occur on national forest and/or

wilderness land. As development encroaches onto the national forest, there will likely be a perceived need to construct fuel breaks and clear vegetation to comply with state laws requiring minimum clearance around structures. Depending on how close these structures are to the wilderness area, this may require intensive vegetation clearing inside the national forest, and perhaps even inside the wilderness area.

Fuelbreaks are being maintained and constructed on the Los Padres National Forest with increasing frequency, with several ongoing or planned projects in Santa Barbara and Ventura counties. These fuelbreaks are typically located along ridgetops, and are planned to be between 100 and 2,000 feet wide. As part of the requirement under CEQA to analyze cumulative impacts, the DEIR must analyze the probable future need to construct a fuelbreak to protect the project area from wildfire.

The DEIR must also analyze and mitigate against the clearing of vegetation around homes, particularly if this clearing will occur on national forest or wilderness land. We note that the statute establishing the Santa Lucia Wilderness Area may allow the Forest Service to construct fuel breaks and clear vegetation using mechanical and/or hand treatments *inside* the wilderness area. Specifically, Pub. L. 95-237 authorizes the Forest Service to undertake activities inside the wilderness for “fire prevention and watershed protection including, but not limited to, acceptable fire presuppression and fire suppression measures and techniques.”

We agree with the Forest Service that “National Forest lands should not be considered available for manipulation in order to achieve protection goals for defensible space.” The DEIR must analyze the need for fire protection measures on national forest land, must analyze the wildfire threats posed to the proposed residences due to their close proximity to the national forest, and must mitigate to reduce any significant impacts to national forest land and wilderness character.

Please notify us of any public notices, environmental documents, and hearings related to this project. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'JK', with a large, sweeping flourish extending to the right.

Jeff Kuyper  
Executive Director

# California Condors back

Saturday, September 9th, 2006

Special to The SLO Telegram-Tribune  
by Hi Mountain volunteer John FitzRandolph

For those keeping track of significant dates in California wildlife conservation history, mark April 19, 1987, in bright red ink.

On that day, the last free-flying *Gymnogyps californianus* — California Condor — was plucked from the wild and moved to a captive breeding program at the San Diego Zoo. Along with 26 other captured condors — all that remained from the estimated thousands who soared the western skies during the last Pleistocene epoch (ice age) 10,000 years ago — that last wild condor was knocking on extinction's door.

Still, while North America's largest birds, weighing up to 30 pounds with 9 1/2-foot wingspans, entered the boldest captive breeding program in U.S. history, high-visibility ornithologists, biologists and outdoor experts said it would never work.

Fortunately, those dissenters were wrong, and the condor has subsequently been resurrected, rolling away the stone of doubt for this and other endangered species.

Indeed, first-time visitors making the rocky 6-mile trek through the shallow Salinas River and up twisty Hi Mountain Road to the Hi Mountain Condor Lookout Project west of Pozo are discovering the California Condor Recovery Program is a sizzling success.

Let's be clear: the chances of seeing a condor circling the Hi Mountain lookout site are slim, albeit the colossal birds do fly near the lookout on their pilgrimages between Big Sur/Pinnacles in Monterey County and Sespe Wilderness/Bitter Creek in Ventura County.

A pivotal point of the recovery effort is to encourage the condors to travel and socialize with other condors.

Biologists and Cal Poly interns use telemetry technology to track the condors' movements, part of the Hi Mountain daily duties visitors can witness up close, as the birds fly, hang out and eat with other recently released condors.

Ultimately, the plan is for condors to cruise the state, find their own food, meet, mate, lay eggs, raise chicks and become prolific in the same way bald eagles re-emerged from near obscurity to their proud prolific population today. The Hi Mountain portion of that plan utilizes the combined resources of U.S. Forest Service, U.S. Fish and Wildlife and the Morro Coast Audubon Society.

Meanwhile, tentative plans are under way to create a central feeding location in the Santa Lucia Wilderness in San Luis Obispo County; condors from around the state would congregate and share nutritious meals of stillborn calves and fresh-thawed raw rats, mice and rabbits.

(Yes, that's what they are fed by field biologists in the four release areas.)

As for the current free- flying condors, 28 thrive in the Ventana Wilderness area, 13 call Pinnacles

National Monument home, 22 live in the Sespe Wilderness and Bitter Creek areas in Ventura County and around 60 are in the Grand Canyon area.

Visitors to the Hi Mountain Research & Interpretive Center — on the ground floor of the lookout — have access to an impressive collection of native animal specimens, a Condor egg, feathers and more.

And speaking of impressive, the vistas from 3,180-foot Hi Mountain Condor Lookout are certainly that. On a clear day, looking south, the eye takes in Lopez Lake, Pismo Beach, the Nipomo Dunes, Avila and more; looking west, Santa Margarita Lake is like a little pond in the distance; to the north, Black Mountain, the San Andres Fault (Temblor Range) and some days even the snow-capped High Sierra Mountains are visible.

For camping enthusiasts, the drive up Hi Mountain Road to the condor lookout leads to the U.S. Forest

Service Hi Mountain Campground; ten campsites offer fire rings and picnic tables; it's first-come, first served and about a mile and a half below the lookout. Other nearby hiking trails and an invitation to the public to attend the Hi Mountain Condor Lookout Open House on Oct. 14 is available online at [www.condorlookout.org](http://www.condorlookout.org).



United States  
Department of  
Agriculture

Forest  
Service

Los Padres  
National Forest  
Santa Lucia  
Ranger District

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(805) 925-9538  
TDD: (805) 925-7388

File Code: 1560

Date: December 16, 2004

Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

ATTN: James Caruso, Project Manager

Dear James Caruso,

This letter is in response to your Notice Of Preparation of a Draft Environmental Impact Report for Santa Margarita Ranch Tentative Tract Map and Conditional Use Permit, Tract 2586.

The Los Padres National Forest, Santa Lucia Ranger District, is adjacent to this project. District employees are very interested in the future uses of this area. Although the Forest Service has no jurisdiction or permitting responsibilities for the project, the Forest will be affected by the future development. The following potential direct and indirect effects should be considered.

1) The project is adjacent to the Santa Lucia Wilderness. No motorized access in this area is allowed. Past experience with similar developments demonstrates that the residents will want to access the National Forest adjacent to their homes. ~~We recommend a planned trail system to provide non-motorized access to the forest.~~ We would like to work with the County and the Developer so that any trail system leading to the Forest will be both efficient and environmentally sound. Whatever non-motorized trail access is developed from the development to the National Forest should also be open to the general public. This will concentrate use on one managed trail system, and will ensure that no one group has exclusive access to the Forest.

2) Ground water use associated with the project area could lower the water table and thus affect the amount and levels of water on the National Forest, which is above the project area in the watershed. Extracting ground water could negatively impact the water dependent vegetation and wildlife uphill from the project. The extent of this impact should be analyzed if ground water extraction is proposed.

3) Fire is a natural component of the ecosystem in this area. All planning should consider the space needed for creating fire safe zones on private land. National Forest lands should not be considered available for manipulation in order to achieve protection goals for defensible space.

If you want additional information on the adjacent Forest, the four Southern California Forests, including the Los Padres National Forest, are currently undergoing revision to the Land and Resource Management Plan. This document will be completed by October 1, 2005.

Management of the land adjacent to the project will not change between the old and new Forest Plans, because it is wilderness. Information regarding this plan and any other questions can be



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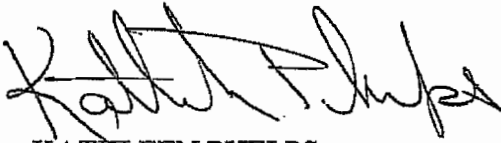
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Sub Safety

obtained by contacting the Santa Lucia Ranger District. Please contact myself or Michael Crain,  
Lands and Recreation Officer at 1616 N. Carlotti Drive, Santa Maria, CA 93454, 805-925-9538.

Thank you for the opportunity to comment on this project.

A handwritten signature in black ink, appearing to read 'Kathleen Phelps', written in a cursive style.

KATHLEEN PHELPS  
District Ranger