

Wildlife savior's incredible war with the California Coastal Commission

Al Plechner and the battle for Stonewood Meadows

By Jack Stevens

When Dr. Alfred Jay Plechner, now 45-years old, purchased 20 acres of property in the rugged Cold Creek area of the Santa Monica Mountains near Calabasas ten years ago, he had no idea that his land would become the focus of a Wild-West-style range war and a bitter, protracted struggle with the California Coastal Commission.

All the Los Angeles veterinarian and immunologist wanted to do was build a house and treatment barn, set up a wildlife preserve, and plant crops whose sale would fund the care of injured wild animals.

"I saw it as an ideal place to relocate wildlife specimens that people bring to me at the California Animal Hospital," explains Plechner. "I fix them up and nurse them back to health and when they're strong enough to have a chance to survive in the wild on their own, I bring them here...it's a sort of halfway house for them, before they go back on up into the mountains."

Working alone, he cleared thick brush and chaparral and planted multitudes of almond, apricot, and eucalyptus trees. Within hours of surveying his land, he spotted baby cougars, ringtail cats, a herd of deer, and rare wild birds. Raccoons, rabbits, fox, bobcats, and golden eagles (an endangered species) abound.

"Here, near a population of ten million people, I found a last refuge of the animal kingdom," marvels Plechner as he points out the lush vegetation and towering bluffs of the place he named Stonewood Meadows.

He deepened Cold Creek and established numerous water holes for thirsty wildlife. With his sons, Jay, now 12, and A.J., now 8, he nurtured a bee colony.

The wildlife preserve, which he registered with the state Fish and Game and Agriculture departments, gradually began to take shape. Citizens, wildlife organizations, animal control facilities, and the Los Angeles Zoo brought frightened or maimed wildlife, otherwise destined for the gas chamber, to Stonewood Meadows. Plechner treated them at his own expense.

Ministering to hundreds of wild animals, he has improvised with fiberglass to repair turtle shells, treated rabbits for glaucoma, pinned a broken bone on a seagull, and even performed a hysterectomy on a ferret.

Officials of the Santa Monica Animal Shelter call him a "uniquely selfless individual, an animal lover in the truest sense," and he has received public praise from the U.S. Department of the Interior, the L.A. Department of Animal Control, the Elsa Wild Animal Appeal, the Committee for the Preservation of the Tule Elk, and the Society for the Conservation of the Big Horn Sheep.

Trouble in Eden

But Stonewood Meadows was almost too much of a good thing. Trespassers, hiking in or on horseback, trampled his planted soil, cut fences, slashed irrigation lines, and



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harassed recuperating animals.

A hint of troubles to come occurred one day when a woman on horseback rode into the sanctuary and told Plechner, "Get out. This area is for horses and houses only. Take your animals somewhere else."

A group of horsemen, described by his neighbors as an adult and two youngsters later ripped out a whole vineyard.

Three riders with four dogs chased down a young fawn that the veterinarian had recently saved. Before anyone could stop the dogs, they tore the fawn apart.

In a separate incident, a local game official found a 12-week-old raccoon on the property that had been shot out of a tree and left to die.

Ten beehives were vandalized, cornmeal was poured into the gas tanks of all of Plechner's farm machinery, and groups with chainsaws cut down live trees as well as dead ones.

Finally, on the suggestion of the United States Department of Agriculture, Plechner erected a boulder-and-earth barrier at each end of Stonewood Meadows to isolate it from marauders.

What Property Rights?

As local equestrian groups accustomed to invading land belonging to others loudly protested the barrier, Plechner soon discovered that the property rights he thought were guaranteed him under the state and federal constitutions were callously ignored by the very government charged with preserving them.

A number of trail and "environmental" groups, more concerned with their leisure class recreational activities than private property rights or the well-being of wild animals, angrily alleged that Plechner had blocked public access to a well-worn lateral feeder trail to the Santa Monica Mountain's crest and coalesced to halt Plechner's farm and wildlife relocation.

Some hotheads talked of renting bulldozers to "unseal" Stonewood Meadows. Tipped off by one of Plechner's neighbors, then-Supervisor Baxter Ward alerted the Malibu Sheriff's office, while some 40 of the doctor's neighbors contacted all of the local equipment rental firms and admonished them not to allow bulldozers in the Cold Creek area. The raid never materialized.

When Plechner's adversaries couldn't succeed by force, they turned to a host of land use control agencies that might be able to trip up Plechner on one permit technicality or another. First on their list was the California Coastal Commission.

Located four and one-half miles inland and behind a major ridgeline, Stonewood Meadows is not within sight, earshot, or smell of the ocean. But, in one of the stranger legislative twists of 1978, the Coastal Commission was granted regulatory authority over areas up to five miles east of the sea. Not until July 1977, did the Commission get around to issuing maps showing which areas fell under their newly-expanded purview.

The Coastal Commission is dedicated to protecting the environment and preserving wildlife — right? Wrong.

In October of 1977, it issued Plechner a violation, alleging that he did not have a permit for the improvements on his property completed during the prior ten months. He later found out that the Commission was anxious to push a trail through his land and that several commissioners themselves were former trail association and equestrian group leaders.

Plechner, an ardent conservationist, applied for an exemption. Since he had done substantial work, incurred a large financial stake in the project, and proceeded in good faith upon certification from the United States Department of Agriculture, the doctor was granted a "vested right" exemption by the Regional Coastal Commission.

But that was only the beginning.

Under a weird provision of the Coastal Act which allowed regional decisions to be appealed — by anyone — and heard *de novo* (from start to finish again) by the State Coastal Commission in San Francisco, Plechner's adversaries appealed the local decision.

The veterinarian had some inkling that he would not be getting a fair hearing when the person assigned to write the Commission staff report on his case was revealed to be a past president of the Santa Monica Trail Council, a close personal friend of two of the equestrian groups' leaders, and the architect of the trail proposed for the Cold Creek area!

The Commission's legal aide advised Plechner to apply for a coastal development permit and avoid the need for further hearings over the "vested right" issue.

"I told her I'd be happy to," remembers Plechner. "but then I asked her, 'If I go for a permit, won't you turn right around and ask me for public trails through my property?' She told me — 'There's a very good chance.' So I told her, 'I don't want to talk to you, then.'"

Insiders warned the doctor that the Commission was scheming to gain public access through the stream bottom at the southern end of his property — in the precise spot where he released wildlife — and along the northern border, where he planned to build a treatment barn.

At the same time, the enemies of Stonewood Meadows mounted a campaign against Plechner's personal credibility, claiming that he was a "phony" and the animal sanctuary merely an elaborate "ruse for large-scale land development." Two "environmental activists" charged that Plechner had bulldozed Cold Creek into oblivion, turning it into an "arid desert."

Allegations flew so thickly that the *Los Angeles Times* eventually entered the fray, publishing an article on September 5, 1978 that sympathized with Plechner and displayed a photograph of him squatting knee-deep in the full, vibrant streambed he was alleged to have covered with dirt.

Plechner finally won a permit from the Regional Coastal Commission in January 1979, only to see the decision appealed once more to the State Commission.

But this time the doctor came better prepared. He recognized that the outcome of his appeal depended more on politics than upon any objective interpretation of the Coastal Act the Commission had proven incapable of rendering.

Plechner mobilized support from local politicians and wildlife organizations. The Department of Fish and Game filed reports that contradicted the claim that the veterinarian was harming the area's riparian environment. Local residents, some of whom had lived as long as 40 years in the Cold Creek region, submitted affidavits emphasizing that natural trail corridors had never existed through Stonewood Meadows.

Represented at the hearing by Pacific Legal Foundation, the Sacramento-based, conservative, public interest firm, Plechner overwhelmed his opponents, who were unable to establish "substantial cause" for a reversal of the regional decision.

A Dramatic Protest

Though at long last Plechner had been awarded a development permit for the wildlife sanctuary, he encountered new headaches when he approached the Commission for permission to install a well to be used as a watering hole for the animals.

Predictably, members of the local horse set showed up at the Regional Commission

Plechner didn't have a development permit and he violated seven state laws to do it, but out of frustration he erected a large pole and raised the stars-and-stripes over Stonewood Meadows, dedicating it to the preservation of wildlife in the Santa Monica Mountains.

hearing questioning the need for such "development." Rather than brook continued harassment, Plechner withdrew his application and hooked up water through the Las Virgenes Water District.

Wearied of having to seek bureaucratic approval for improvements to his property that landowners outside the Coastal Zone perform routinely without government oversight, Plechner decided to defy the Commission and, at the time, protest its deprivation of his constitutional liberties.

He and his two sons erected a large pole and raised the stars-and-stripes over Stonewood Meadows, dedicating it to the preservation of wildlife in the Santa Monica Mountains, and daring Commission bureaucrats to take it down.

Absent a coastal development permit, the flag-raising violated seven state laws, but the Commission backed off from prosecuting Plechner — likely out of fear of a public relations debacle.

The Final Round

In order to complete the last phase of his project, the veterinarian still needed the Commission's permission to build a home and treatment barn so that he could provide 24-hour care to injured animals.

The Commission's staff let it be known that they had no problem with Plechner's request — upon the condition that he surrender, without compensation, a 10 to 20-foot-wide easement through Stonewood Meadows for hiking and equestrian use.

"It's a chess game," Plechner realized. "If you want to build on your property, you have to give them land or money."

The agency's extortion was even more confounding in view of the fact that a trail through Plechner's property would be superfluous — one already existed on an established roadway just west of Stonewood Meadows.

But the doctor was not about to give in. "The hikers and horse owners have a choice," he pointed out. "They can take alternative trails that already exist. For the wildlife, there is no alternative. The animals are in such a stressful state that it doesn't take much — a dog, a horse, or voices — for them to bolt. They can then jump into the

wall and break a leg, further injuring themselves to the point where you can't relocate them because they can't survive."

Again, letters and telegrams poured into the Commission from scores of individuals and animal protection organizations irate over the agency's treatment of Plechner.

On January 13, 1982, Supervisor Mike Antonovich wrote the Commission: "Trails anywhere on this property would force Dr. Plechner to close down and the County would then be deprived of our only wildlife treatment center. We would then have no alternative but to destroy all of our injured wildlife."

Wilting under public pressure, the Commission backed off from the most extreme of its demands, but still took its pound of flesh.

At Plechner's final encounter with the "protectors of the coast" in January 1983, he was granted a permit in return for (1) a 100-foot open space easement on the north side of Cold Creek; (2) 12 out of 20 acres of the farm-based wildlife preserve; and (3) a trail easement the full length of Cold Creek (effective when and if the veterinarian ever stopped treating wild animals.)

His neighbors agreed to donate easements on nearby roads and trails circumscribing Plechner's property so that the Commission's proposed easement — within five feet of the treatment barn — would not be necessary.

Bureaucrats had gobbled up a one-half mile easement as compared to the 660-foot proposed trail through Stonewood Meadows. They had succeeded — at least in terms of their expansionist objectives.

He'd Do It Again

Today, with the concrete foundations for his barn already poured, Plechner displays a remarkable lack of bitterness about his experiences with California's coastal "commissars."

By the doctor's estimate, the Commission's refusal to allow construction of his wildlife treatment facility for 5 1/2 years cost the lives of some 15 to 30 deer.

"Without a treatment barn, the County had no choice but to destroy deer with fractured legs," explains Plechner. "The shame of it is that we might have been able to save them."

Looking back, Plechner says that he would do it all again, despite the frustration, headache, and expense.

"The Coastal Act and the Coastal Commission are two different things," he stresses. "We were in support of the Coastal Act. We believed in it. But there is no justification for the Commission. Why did innocent animals have to suffer?"

Recently Plechner was awarded one of the federal government's few eagle rehabilitation permits. His wine crop, produced and bottled by Calabajas Cellars in Clarksburg, California, bears a colorful wildlife label.

As soon as the treatment barn is completed, it will show off a beautiful, 5-foot high stained glass window designed by Rena McKenzie of Santa Monica.

It displays brilliantly and lovingly the flora and fauna of Stonewood Meadows — wild flowers, trees, grapes, coyotes, cougars, quail, and deer.

But at its center is the American eagle grasping in its talons the California Coastal Commission.