

KEEP THE SESPE WILD & FREE

The Newsletter of the Keep the Sespe Wild Committee

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Fall 2012

ADVENTURE PASS ACCESS

The U.S. Forest Service's "Adventure Pass" is being challenged in federal court by four southern California hikers. Under the Adventure Pass program, visitors are required to display a pass on their vehicle when they park on the Angeles, Cleveland, Los Padres, and San Bernardino National Forests, even when they do not use any developed facilities.

In a civil suit filed on 10.23.12, Alasdair Coyne and Richard Fragosa, both of Ojai, John Karevoll of Running Springs, and Peter Wiechers of Kernville are asking the Los Angeles District Court for relief from having to pay a fee just to go for a hike in many popular parts of the four forests.

A similar fee on the Coronado National Forest in Arizona was struck down in February by the Ninth Circuit Court of Appeals in San Francisco. Writing for the unanimous three-judge panel, Judge Robert Gertelman said, "Everyone is entitled to enter national forests without paying a cent." That decision is binding in nine western states, including California, but the Forest Service has not yet made any changes to its Adventure Pass fee program, which is one of the largest in the nation.

"It should now be possible to go for a hike in your local forest without having to risk a ticket if you don't pay an access fee," says plaintiff Alasdair Coyne, Conservation Director of Keep Sespe Wild. "Eight months after the Arizona court ruling is quite enough time for the Forest Service to bring their other local fee programs into compliance. The Forest Service is not above the law."

Recreation fees on federal land are governed by the 2004 Federal Lands Recreation Enhancement Act, or REA. Fees are authorized under the REA for use of campgrounds and day use sites that meet certain minimum requirements, but fees are prohibited for some activities, even where those requirements are met. The activities for which fees are prohibited include parking, passing through without use of facilities and services, camping in dispersed undeveloped areas, and general access.

The hikers challenging the Adventure Pass are represented by public interest attorneys Matt Kenna of Durango, Colorado, and René Voss of San Anselmo, California, with support from the Colorado-based Western Slope No-Fee Coalition.

"The 9th Circuit ruling is quite clear that forest visitors who don't use developed facilities can't be charged a fee," said Coalition President Kitty Benzar. "Yet fee signage across southern California's four National Forests, as well as information on the Adventure Pass website, says you must pay just to park your car to access trails, rivers, lakes, and undeveloped backcountry. People are being intimidated into paying illegal fees under threat of federal prosecution. We are confident this lawsuit will put a stop to that."

The Forest Service has 60 days to respond, starting 10.23.12.

FEES BEING NUDGED OUT



This long pool upstream of First Narrows, in the lower Sespe Gorge, usually 10' deep, is still full of sediment from after the Day Fire. Will this winter bring enough rain to scour it out again?

TWENTY YEARS OF A WILD AND SCENIC SESPE

June 19th of this year marked the twentieth anniversary of the legislation signed by President H. W. Bush that created the Sespe, Chumash and Matilija Wilderness areas, and designated segments of Sespe Creek and the Sisquoc as federal Wild & Scenic Rivers.

That date marked the culmination of conservation efforts that began many decades earlier. In 1966, Ventura County voters turned down – by only 32 votes – a proposal to dam the Sespe at three locations:

- (1) the upper Sespe Coldsprings site (from Howard Creek junction up to the climbing gorge),
- (2) the Topatopa site (just up from the Alder Creek junction, would have flooded Hotsprings Canyon), and
- (3) the Oat Mountain site (just north of Fillmore).

In May 1983, a Park Service survey of Sespe Creek found important scenic, recreation, geologic, fisheries and cultural features, as part of their National Rivers Inventory.

The fall of 1986 saw the founding of KSWC. Our thanks to all the 8 founders, three of whom are no longer in the area (though all of us are still living!) We were inspired into action to protect Sespe Creek from two dams that the Forest Service had left room for in their just-published Forest Plan for Los Padres.

Over 380 comments on the proposed Sespe dams (pro & con) were submitted to the Forest Service – and we used the names and addresses to start our mailing list.

In June 1987 Montgomery Engineering released their study of future water sources for western Ventura County, and Sespe dams placed last on the list of options evaluated, for cost reasons.

June of 1988 saw Rep. Robert Lagomarsino (R - Ventura & Santa Barbara Counties) introduce a bill in D.C. to follow the Forest Service's recommendation of 27.5 miles of Wild & Scenic Sespe Creek (between the Coldsprings and Oat Mountain damsites).

Both Rep. Lagomarsino and the Forest Service understood that the earlier-proposed Topatopa dams site near Alder Creek would have meant new roads and disturbance at the edge of the federally-designated Condor Sanctuary. The Topatopa site would have been the best water-supply reservoir on the Sespe, but new political realities erased it from the drawing board.

In the summer of 1989, hearings were scheduled in D.C. to take testimony on the bill, and a pattern became set, which held firm for the next few years.

On the one side were river conservationists and the Sierra Club; on the other, United Water (from Santa Paula) and the Ventura County Economic Development Association, both of whom had long expected Sespe dams to be built, and who proclaimed dire consequences for our county's farmers and the general population, were the damsites to be protected.

In September 1989 Senator Alan Cranston (D-CA) introduced The Condor Range & Rivers Act, which contained twice the wilderness acreage (543,000 acres) and four times the Wild & Scenic River miles, within the same Congressional District, as Rep. Lagomarsino's bill in the House.

The Sierra Club worked on the wilderness component of the bills, and KSWC, Friends Of The River and American Rivers addressed the river segments. Together they opposed Rep. Lagomarsino's bill and supported Sen. Cranston's version.



Looking the other direction, downstream, from the top end of the same sediment-filled pool as in the picture on page one, deep in the lower gorge.

Late 1989 saw the conclusion of an appeal by the river groups of the Los Padres Forest Plan, which resulted in four more Wild & Scenic miles of the Sespe – both in the Forest Plan and in Rep. Lagomarsino's bill.

This four mile stretch is from Trout Creek, just downstream of the former Lion Camp, up to Howard Creek, and this remains to this day the only legislative improvement to Rep. Lagomarsino's original bill that was achieved by the river groups and their supporters.

There were other achievements later, foremost among them the complete disappearance of any discussion of damming Sespe Creek from contemporary water supply debate in Ventura County. This was really achieved by the growing public awareness of the fact that Sespe Creek provided well over one half of the water captured downstream on the Santa Clara River by the Vern Freeman Diversion Dam at Saticoy, without the enormous expense of building tall dams on the Sespe itself.

The bills in D.C. continued to multiply – as Senator Pete Wilson introduced another bill in the Senate, pretty much the same as that of his fellow Republican in the House, Rep. Lagomarsino.

KSWC unearthed an earthquake map of the San Cayetano fault, which follows an east-west line between Piru and Ojai's East End. It just happened that the fault line crosses the Sespe precisely underneath the then-proposed Oat Mountain dams site a few miles upstream from Fillmore, just past the end of Goodenough Road. You have no idea how exhilarating it was to overlay the fault line map on top of the map of the proposed dam, and see a perfect match between the east-west fault and the east-west dam; those moments are rare in life.

A Ventura County study also showed this reservoir filling up with sediment at a rapid rate, as happened with Matilija Reservoir. Though talk of this dam's viability soon grew quiet, the area of its proposed reservoir still remains unprotected by Wild & Scenic River designation.

In early 1991, both the Ventura County Star and the City of Ventura endorsed the protection of all 51 miles of Sespe Creek that are within Los Padres Forest. The Star noted: "ANY means of providing (water) would be cheaper than a dam ... The Sespe can be forever wild."

In October 1991, Ventura County Supervisors voted unanimously (5:0) to protect the 51 miles. Supervisor John Flynn traveled to D.C. at his own expense, to support this position at yet a third public hearing on the Senate bill. He had long taken on a role as seeking solutions to local water supply issues. (He also once stated at a Supervisors' meeting that "the forest is a sacred place.")

Feb. 12, 1992 saw the Sespe's peak flow since 1983 – we have a photo of a 12-foot wave as the water smashed into a rockface north of Fillmore. The peak flow was 1.2 acrefeet per second, or 1440 acrefeet during the 20-minute peak flow's duration. That's a volume the area of a football field and 70 feet tall, every minute!

And on June 19th, 1992, President H.W. Bush signed the Sespe bill into law while on a visit to Los Angeles. It designated 31.5 miles of Sespe Creek as a Wild & Scenic River, as well as 220,000 acres of Sespe Wilderness, 30,000 acres of Matilija Wilderness and 38,000 acres of Chumash Wilderness.

THE STATUS OF NEW WILDERNESS IN VENTURA COUNTY

With Rep. Gallegly's retirement in Jan. 2013, his 2012 bill for new Wilderness and Wild & Scenic river miles in our local back-country will disappear.

Rep. Lois Capps has most of Ventura County's Los Padres Forest in her new District. We believe she will want to discuss opportunities to protect more of our backcountry. Rep. Julia Brownley is Ventura County's first Democrat Representative in 70 years. She represents a small section of Los Padres Forest, closest to Ojai. We have still to meet with her.

SANTA PAULA EAST GATEWAY PROJECT

KSWC has been closely following plans by Limoneira to develop housing east of Santa Paula Creek in the former floodplain of the creek. In 2011 we reached a settlement with Limoneira, whereby they will fund a Supplemental EIR on the topic of potential flooding from Santa Paula Creek. This is still to be initiated. The creek is now artificially confined to a small fraction of its natural channel as it approaches the Santa Clara River, which is why it floods in major storm events.

KSWC has no issue with the housing development itself. The issue is the need to widen lower Santa Paula Creek before the east bank is built on. Limoneira has indicated that they will leave a setback of open space adjacent to the creek as they lay out the streets and houses for their development.

A wider creek here will also allow for the migration of steelhead to their spawning grounds upstream.

Just downstream from the development site, known as East Area One, is a small piece of land that is proposed to be annexed to the City of Santa Paula as part of the project.

A Draft Environmental Impact Report (DEIR) was released this summer on this area, referred to as the East Gateway Project, with comments due in October. No construction is proposed on this site, but it does straddle lower Santa Paula Creek, between the railroad bridge and the Freeway bridge.

Here are KSWC's comments, abbreviated. We also submitted a new 8-page study of the flooding hazard there, prepared by cbec eco engineering, of Sacramento.

The DEIR fails to address the issue of steelhead migration at the project location, which affects the ability of steelhead to reach important spawning habitat upstream in Santa Paula Creek and its tributaries, such as Sisar Creek. The only mentions of steelhead are in a few pages of the Background section of the DEIR, where there is a discussion of the steelhead fishladder about one mile upstream of the project boundary. The southern steelhead are listed as a federal endangered species, and the channel of Santa Paula Creek is a migration corridor to historic spawning and rearing grounds upstream. The lower reaches of Santa Paula Creek have created an effective blockage to steelhead migration, and the resolution of this issue is tied to the ability to reconfigure the channel to allow effective volitional passage.

The DEIR also fails to identify the widening of the creek channel at the project location as a successful mitigation measure for flood risks there (and a likely improvement for steelhead migration as well).

The annexation of the East Gateway Project should be accompanied by an analysis that recognizes explicitly the need for channel widening at this narrowest chokepoint of the flood control channel, to alleviate both the existing flood hazard, as well as the steelhead migration issue.

The US Army Corps of Engineers (USACE) Dec. 2011 study, Overtopping Alternatives Report, proposes an option to remove the Hwy. 126 bridge piers (while strengthening the bridge), raise the railroad bridge, and widen the channel downstream from the Telegraph Road bridge, as a means to allow flood waters and sediment to pass downstream more readily. We support this option, though the channel widening may need to be expanded even further.

The original, pre-development lower Santa Paula Creek was a broad alluvial fan, probably a mile across at the junction with the Santa Clara River. The alluvial fan, being Nature's way to

spread out large volumes of creek-borne sediment, is now squeezed between two concrete walls that are at their narrowest point only 65 feet apart.

It is no wonder that this USACE channelization project, which was built with no sediment modeling analysis, causes flooding at high storm flows.

It recently cost \$4 million of federal funds to clear 340,000 cubic yards of sediment from the channel of lower Santa Paula Creek. A 100-year storm is calculated to deliver 810,000 cubic yards of sediment to this channel.

The USACE Dec. 2011 HHR Appendix failed to model the flood hazard of a 28,000 cubic feet per second (cfs) or a 39,400 cfs flood followed later in the season by a 10-year flood of 10,323 cfs. The channel cannot be cleared of built-up sediment between storms, until the sediment dries up in summer.

A 200-year flood would deliver a flood flow of 52,993 cfs; a 500-year flood a flow of 76,909 cfs.

It has been shown that a major fire in the upper Santa Paula Creek watershed is capable of multiplying the sediment load in the creek channel downstream by a factor of seven.

The V.C. Watershed Protection District in a fall 2010 study analyzed a potential 100-year flood that might come downstream after lower Santa Paula Creek was already filled with sediment, and found a massive flood flow of 750 acre feet per hour topping each bank of the lower creek in and above this project area, for as long as the peak flow lasts.

Widening the lower creek channel, especially at the chokepoint in the area of this project, is the key to a long term safe and dry City of Santa Paula, with no ongoing costly payments for regular sediment removal, and with improved access for migrating steelhead.



A downstream view of lower Santa Paula Creek, looking towards the freeway bridge. Note how the channel gets narrower as it gets closer to the Santa Clara River. Any wonder why it is flood prone?

PLEASE CONTINUE TO SUPPORT KSWC WITH YOUR GENEROUS DONATIONS

Your donations to KSWC are what keeps this newsletter coming your way every three months. We have no other income apart from your support.

Donations are unfortunately not tax-deductible.

Our printing costs have recently gone up by \$800 or so a year, so we must ask that you send us a little bit more, to cover this added expense. Thanks to all our recent donors!

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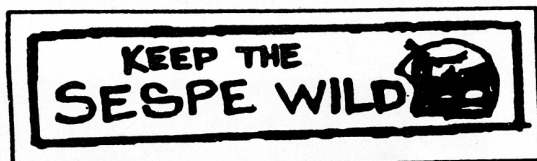
Our original T-shirts are light blue with the Keep the Sespe Wild logo in five colors.

Our newer T-shirts are white with the same five color logo on the back, and with an additional, pocket-sized logo in blue on the left front.

Please state white or blue with your order. Sizes are S, M, L, XL and XXL.

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All prices include tax and shipping. Please include address and a phone number. Allow 2 to 3 weeks for delivery.

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**SECOND ANNUAL CHERRY CREEK CLEANUP
OF TARGET SHOOTING DEBRIS**

KSWC helped provide volunteers for Los Padres ForestWatch's second fall cleanup of trash strewn around the Cherry Creek shooting site.

Last year, we filled a 20-foot roll-off dumpster to the brim with all kinds of trash left by target shooters. That was right after the site, up Hwy. 33 adjacent to the upper Sespe, was closed to shooting by the Ojai Ranger District.

Because there is little enforcement of the closure of this site to target shooting, there is still some use, and therefore trash. This November about 50 volunteers spent three hours or so picking up trash, much of it from further down the dirt road than we reached the previous year. Thanks to them all!

Forest Service staff helped out, and transported the bagged trash to the dumpster in a turnout off Hwy. 33. We filled the dumpster half full, and took recyclables back to town.

**OJAI RANGER DISTRICT HOPES TO FIX
ROADS NEXT YEAR**

Funding looks good for the Ojai Ranger District to manage some much-needed repairs to at least two local forest access roads in 2013.

The 6-mile road from the summit of Hwy. 33 to Pine Mountain and Reyes Peak Campgrounds has developed some pretty rough patches in recent years. This cherry-stem road will hopefully be patched and resurfaced.

The dirt road leading to the Dough Flat trailhead north of Fillmore has been blocked about a mile short of the trailhead for several years now. This makes the 6-mile hike down to Alder Campground a bit longer. This should also be cleared next year, but more than likely not till later in the year.

**WITH BEST WISHES FOR A GREAT NEW YEAR
TO YOU AND ALL WHO HOLD THE SESPE DEAR!**