

# KEEP THE SESPE WILD & FREE

The Newsletter of the Keep the Sespe Wild Committee

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## MORE WILDERNESS IN LOS PADRES

The US Forest Service has just released its preferred alternative for the future management of 16 roadless areas in Los Padres National Forest, which total over 420,000 acres. The agency's proposal is pretty much the same as that announced in February 2013 – no further wilderness is recommended. However, over 300,000 acres of Los Padres will be off limits to motorized vehicle access.

Over 10,000 comments were received by forest staff in support of the agency's Recommended Wilderness alternative. Also submitted was a sign-on letter from more than 50 local conservation groups, which urged the agency to select the Recommended Wilderness alternative.

The agency's selected alternative, Back Country Non-Motorized, will allow oil exploration and drilling, "temporary" road construction, as well as mining, on these roadless areas. Wilderness would preclude all these potential uses.

The proposal does not become final until Jan. 2014, when a 60-day period begins in which objections may be filed.

Several areas adjacent to the existing Sespe Wilderness are eligible for wilderness designation, including acreage west of the former Beaver Camp along Hwy. 33, acreage east of Chorro Grande trail, acreage between Ozena and the Pine Mountain ridge road (Boulder Canyon), and acreage in the Fishbowls area of Grade Valley, south of Lockwood Valley Rd.

Wilderness can only be recommended by the US Forest Service – the actual designation must be by Act of Congress. Last fall, very close to retirement, Congressman Elton Gallegly introduced legislation in Washington D.C. to expand the Sespe Wilderness and other wilderness areas in his District, but time was too short for hearings and votes on his proposal.

It is understood that Congresswoman Lois Capps is considering introducing legislation that would expand wilderness and Wild & Scenic River designations in her District, which now includes most of Ventura County's Los Padres Forest. Members of Congress can introduce wilderness and Wild & Scenic River legislation without a USFS recommendation.

## TAMARISK IN THE UPPER SESPE

The closure of Cherry Creek as a target-shooting site adjacent to Hwy. 33 has, as usual, left the shooters free to go wherever they see fit to continue their activities, leaving pristine trails and side canyons littered with cartridge cases, shot-up targets that include old appliances, broken glass and literally hundreds of pounds of debris.

Los Padres ForestWatch was conducting a trash cleanup along a small canyon trail north of Hwy. 33, and east of Chorro Grande, when staff and volunteers noticed some large clumps of tamarisk next to a small pool.

KSWC joined LPFW in organizing a work party to pull up these tamarisk on Sunday Dec. 01. KSWC has worked on tamarisk eradication throughout the Sespe watershed for over 22 years, and has organized around 90 tamarisk eradication hikes over that time period. The task is ongoing, but the tamarisk population is being cleared much faster than it can expand. Thanks to all the volunteers!

The tamarisk we worked on included one that had been there for several decades (see photo below). Fortunately there was no sign of a downstream infestation of young tamarisk seedlings.



## **FRACKING REGULATIONS START ON JANUARY 01, 2014**

Since our last newsletter, Sen. Fran Pavley's SB-4, her legislation to regulate fracking in California, was signed into law by Governor Jerry Brown.

In late November the Ca. Division of Oil, Gas & Geothermal Resources (DOGGR), the state agency that regulates the oil industry, released their own draft fracking regulations. These will have some reporting requirements for the industry in 2014, during the 12 months of the formal rulemaking process. A 60 day public comment period is underway; the nearest DOGGR public hearing is to be in Santa Maria on Jan.13.

Full implementation of the DOGGR regulations will start in 2015. These regulations will incorporate the elements of Sen. Pavley's SB-4. DOGGR will verify, before any fracking takes place, that all required information has been submitted. All fracking chemicals will have to be disclosed – both the compounds used, and the amounts. Also, every well operator will have to offer adjacent property owners the option of a ground water test, by an independent company, at the oil company's expense. Every fracked well will have a technical review, both before and after fracking occurs.

Oil companies will have to provide a water management plan, disclosing the source of the water, the amounts to be used, and plans for the safe disposal of the "dirty" water that comes back out of the well.

DOGGR will also be funding an independent study of the potential environmental impacts of fracking, as well as of acidization, which is another method of stimulating oil well production.

Sen. Fran Pavley states that SB-4 requires DOGGR to keep apprised of new oil well stimulation practices that are developed, in order to incorporate them into the new regulatory system.

SB-4 also requires the State Water Resources Control Board to perform a statewide groundwater monitoring plan, to measure any chemicals that might have been used in fracking, and to calculate the long-term implications of fracking. Any company that wishes to engage in fracking (including in the Sespe Oilfield) will have to get a permit requiring analysis under CEQA, the Ca. Environmental Quality Act.

In November, 20 top climate scientists asked Gov. Brown to ban fracking because of its climate-changing environmental impacts.

## **CONGRESS EXTENDS FEES BY A YEAR**

Congress this fall extended the FLREA forest access fee law by one year, so it will now continue through 2015. Initially it was set to expire on Dec. 31, 2014. Congress is so polarized at present that there was no chance of a new fee bill being signed into law by the end of next year, particularly since there are still no draft bills under preparation in either the House or Senate.

While we look forward to the end of the FLREA fee law, poorly written as it is, we are better off with it in place for 12 more months than with some new, hastily written fee legislation.

The Southern California Adventure Pass court case will likely end up before the federal judge in L.A. in late spring, with a ruling expected by mid-year. As you will recall, this court case is demanding that the Adventure Pass program be amended to conform to the Ninth Circuit Court of Appeals ruling, which states that the FLREA fee law does not allow fees at trailheads for access to undeveloped forest lands.

It is very unlikely that the federal judge in L.A. will rule against the precedent set by the Ninth Circuit Court of Appeals' decision. A decision in favor of free access to undeveloped public lands will likely lend considerable weight to the new fee law that will have to be written and enacted in the next two years.

## **CHANGES TO ADVENTURE PASS FEES**

In a recent press release, the US Forest Service has announced changes to the Adventure Pass, Southern California's forest fee program. In Los Padres Forest, these changes would result in 40,000 acres becoming fee-free (which is ironic, as the FLREA fees are already not allowed to be levied for access to undeveloped lands!)

The Santa Ynez fee area will be reduced, and in Rose Valley near the Sespe, the Howard Creek trailhead and the Upper and Lower Rose Valley Lakes will become fee-free.

## **PLEASE COMMENT ON FEES BY JAN. 06**

Please submit comments on Adventure Pass forest fees by Jan.06. Send them to Tamara Wilton:

[twilton@fs.fed.us](mailto:twilton@fs.fed.us)

Comments should be brief – ask that there be no fees for trailhead access, and name those places where you hike where trailhead access fees are currently required. Please do this – it will make a difference!



## **CLOSURE OF TAR CREEK TRAIL TO BE POSTED AND ENFORCED SOON**

The Tar Creek Trail that leads down to the lower Sespe Gorge north of Fillmore has become a major thoroughfare to some pools near the Tar Creek Falls that are posted online as the best cliff-jumping spots in Southern California. Search for “best Southern California cliff-jumping spots” and check out the You Tube videos from Tar Creek. They are truly spectacular.

Unfortunately, this area is already closed to public use as part of the Sespe Condor Sanctuary. The trail is open as far as the Tar Creek crossing only. In the last year, US Forest Service law enforcement officers have counted as many as 100 people per day heading down to the jump spots on weekends. Trash (mostly water bottles) and graffiti are burgeoning. (KSWC is organizing trash cleanups down there). There are bonfire sites and broken bottles, as well as calls to local Search & Rescue teams to assist visitors who are stuck and/or hurt.

Condors are known to roost by the Tar Creek Falls. We saw about half a dozen there at one time, a few years ago. We have kept that to ourselves, but the condor site is mentioned in the Los Padres Forest press release on the Tar Creek closure last week. Los Padres’ Forest Plan prohibits human presence within half a mile of condor roost sites and within one and a half miles of nesting sites.

The Ojai Ranger District is to install an information kiosk and steel signs at the trailhead on the Dough Flat Road. After a period of public information, forest law enforcement officers will be issuing citations to cars parked near the trailhead.

### **PLEASE SEND KSWC A DONATION**

Thanks again to all of you who have donated to KSWC this year. Your donations are what keep us funded to print and mail this quarterly newsletter, and to pay the phone, internet and other bills. Donations are unfortunately not tax-deductible. We wish you all a new year of happiness and joy in 2014.

### **NEW VIDEO ON SOUTHERN STEELHEAD**

CalTrout has produced an excellent 20-minute video on the endangered southern steelhead, titled “Against All Odds”. You can watch it for free at:

[vimeo.com/79393289](http://vimeo.com/79393289)



*A pool in the Sespe Gorge near the junction with Tar Creek.*

### **ACCESS TO MATILIJIA FALLS**

Several years ago Buz Bonsall closed off public access across his upper Matilija Canyon property towards the much-visited Matilija Falls.

This led to the formation of KAMFO, Keeping Access to Matilija Falls Open, a coalition of Los Padres ForestWatch, KSWC, individuals and County Supervisor Steve Bennett’s office, which is committed to ensuring permanent public access all the way to Matilija Falls.

KAMFO is gearing up to be ready to go to court to secure permanent access, based on the longstanding right-of-way established over the past century.

Kamfo still needs your help and involvement:

We need more legal declarations from persons that hiked to Matilija Falls up the creekbed trail for at least five years prior to March 1972.

We need copies of old USGS maps and old trail guides to the falls.

We need to raise \$10,000 in cash or pledges to pay for court costs (legal work is being provided for free).

### **NEW CHANNEL ISLANDS WILDERNESS**

The Park Service is recommending that 53% of the Channel Islands National Park become wilderness – Middle & West Anacapa, most of Santa Rosa and Santa Barbara, and most of the Park Service part of Santa Cruz Island. We support 66,675 acres of new offshore wilderness in Ventura County.

**Keep the Sespe Wild**  
**P.O. Box 715**  
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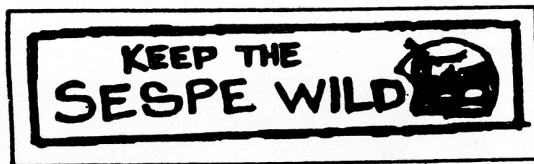
**Our original T-shirts are light blue with the Keep the Sespe Wild logo in five colors.**

**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.**

**All 100% cotton.**

**Bumper Stickers \$2.00**



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

**Send your order and check, made out to KSWC to: Keep Sespe Wild, PO Box 715, Ojai, CA 93024**

**WISHTOYO LAWSUIT for SANTA CLARA RIVER**

The Wishtoyo Foundation, along with the Center for Biological Diversity and the Central Coast Alliance for a Sustainable Economy, have filed a public trust complaint with the State Water Resources Control Board over the manner of the water diversions taken from the Santa Clara River by United Water at the Freeman Diversion facility near Saticoy. Wishtoyo's attorney, Jason Weiner, says that "United has had a long-standing disregard in implementing feasible solutions that would allow it to continue its historic annual diversion while protecting the Santa Clara's public trust resources."

**CALIFORNIA BANS LEAD AMMO FOR HUNTING**

Governor Jerry Brown signed AB-711 in October, legislation which will ban the use of toxic lead in hunters' ammunition, starting in 2019. At least 30 other states regulate the use of lead in ammunition in some fashion.

**OJAI RANGER DISTRICT ROAD CLOSURES**

The Ojai Ranger District just announced that these forest roads will close for the winter on Dec. 10: the Pine Mountain road, Cherry Creek road and the Nordhoff Ridge road.



