

KEEP THE SESPE WILD & FREE

The Newsletter of the Keep the Sespe Wild Committee

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SEPTEMBER 2014

NEW PUBLIC LANDS ACCESS FEE BILL IN D.C.

In late August we learned that legislation authorizing new fees for access to any U.S. Forest Service or B.L.M. lands had passed the House Natural Resources Committee, unanimously, and moved on to the floor of the House.

H.R. 5204, authored by Congressman Rob Bishop (R/Utah), was rushed through the Natural Resources Committee by chairman Doc Hastings (R/WA) without a public hearing. No member of the Natural Resources Committee of either party raised any objection whatsoever!

It's likely that Bishop and Hastings are planning to get H.R. 5204 attached as a rider to the Fiscal Year 2015 appropriations bill. Although H.R. 5204 has attracted no sponsor in the Senate so far, it's likely that if attached as an appropriations rider it will pass both chambers without scrutiny or public debate, and become the law of the land, because appropriations bills are considered "must pass", in order to avoid an unpopular government shutdown.

HR 5204, if enacted, could destroy the concept of public lands as places where everyone has access and is welcome. Every place, every activity, every person, could be required to pay an access fee - an additional tax on top of the taxes that already support public lands - regardless of whether they are highly developed areas like National Parks and Forest Service or BLM campgrounds, or completely undeveloped like wilderness areas.

HR 5204 would allow the kind of fees that have not been controversial to continue, such as fees for developed campgrounds and National Park entrance fees. But in addition to those fees, it would allow general access fees for any federal recreational lands and waters. It would accomplish this by two types of fee: **Day Use Fees** and **Permit Fees**. The only meaningful requirement for a Day Use Fee would be that where you park there is a toilet of some kind within half a mile. The only meaningful requirement for a Permit Fee would be that where you park gives access to a "special area." Neither "special" nor "area" is defined.

So where there is a toilet it could be called a Day Use Fee. Where there is not a toilet, it could be called a Permit Fee. The result is the same: there would be no place where a fee is prohibited. And since the agencies would get to keep all the fee money directly, there would be nowhere that they wouldn't have a strong incentive to charge a fee.

If you look up the text of H.R. 5204, you will find a confusing copy of the current fee law, the FLREA, with some text deleted and some new wording added. The most important points are that H.R. 5204 deletes the prohibitions currently imposed on the Forest Service and BLM from charging fees for parking, picnicking along roads or trails, general access, dispersed areas with low or no investment, driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using facilities and services, camping at undeveloped sites that do not provide the minimum facilities, and use of overlooks or scenic pullouts.

These fee-free undeveloped areas were confirmed as such in recent lawsuits in federal courts in the western U.S., after many years of the Forest Service charging fees for parking there, regardless of the letter of the current FLREA fee law. H.R. 5204 would allow the agencies to restart these currently-illegal parking fees - and levy them everywhere they choose.

All of the past two decades of public lands fee bills and extensions have been authorized in stealth by riders attached to appropriations bills. This has neatly side-stepped the unpopular fees coming to be voted on in the House or Senate in Washington.

Supporters of fee-free access to undeveloped public lands were sure an attempt would be made to add H.R. 5204 to the appropriations bills that were passed by Congress earlier in September. These were temporary bills, funding the government till after the November elections. As it happened, H.R. 5204 was not added as a rider in September - the appropriations bills were kept clean of most riders to assure swift passage by Congress. *(continued on page two)*

In the lame-duck session of Congress between the elections and early January 2015, Congress must pass the federal appropriations bills for the entire U.S. government for 2015. This is when we expect to see H.R. 5204 slipped in as a rider, a term for adding a minor piece of legislation on to a larger, must-pass appropriations (spending) bill. After the elections, Congress puts all the various appropriations bills into one large package called an omnibus appropriations bill, where it is standard practice to attach as riders all sorts of bills that have not been authorized in the usual manner by vote of Congress.

WHAT TO DO TO VOICE YOUR OPPOSITION TO H.R. 5204 BEING ADDED AS A RIDER TO THE OMNIBUS APPROPRIATIONS BILL

We have some time to get input to the appropriate legislators in Washington D.C. to try to stop H.R. 5204 from being added to the lame-duck session of Congress' omnibus appropriations bill. But KSWC will not have another newsletter going out till the end of the year – so please take action now!

Please contact your Member of Congress and your Senators. You can find all the contact information you need to phone or to email your legislators on their webforms at www.house.gov and at www.senate.gov. You can find your legislators from your zip code.

Please simply ask that they stop H.R. 5204 from being added as an appropriations rider later this year. You can add a brief reason why this is important to you.

This newsletter goes out to several hundred people beyond the Ventura and Santa Barbara core home of Sespe Wild supporters. If you live further afield, it is even more important for you to contact your legislators on this matter. Our local legislators will likely receive ample input – but those few calls and emails to legislators elsewhere, particularly out-of-state, are really important to spread the controversy about H.R. 5204 far and wide. Thank you!

Remember, as before, there are NO big groups of public lands users who will be lobbying Congress and generating hundreds or thousands of calls and emails to stop H.R. 5204. Our campaign has always managed to get the word out by individual contacts and small to medium sized groups. So it is really important that you voice your opposition to H.R. 5204, in the next few weeks. Please also pass this information along to other supporters of fee-free undeveloped public lands.

PLEASE CONTACT SENATOR DIANNE FEINSTEIN, CALIFORNIA RESIDENTS!

Senator Dianne Feinstein (D/CA) has a senior position on the Senate's Interior Appropriations subcommittee – the subcommittee that oversees the funding for America's public lands.

Her staff was alerted to the possibility of H.R. 5204 being added as an appropriations rider in September, and they agreed to share our concerns with other subcommittee members on the majority – Democrat – side of the aisle.

Please, all California residents, contact Senator Dianne Feinstein on this matter. She is, because of her position on the Interior Appropriations subcommittee, the single most important legislator you can ask to keep H.R. 5204 out of the bill.

You can search "Feinstein email" and it will take you straight to her email webform.

You can call her D.C. office at (202) 224-3841.

Ask her to stop H.R. 5204 being added as a rider to the omnibus appropriations bill later this year.

THANK YOU!



PLEASE SUPPORT KEEP SESPE WILD!

Your donations are the only funding Keep Sespe Wild receives. Please give generously to support our efforts to protect and bring you news from the Sespe watershed and also to update you on keeping undeveloped public lands free of access fees. We recently had to buy a new computer and printer.

FRACKING UPDATE

In August, California's Natural Resources Agency sent a memo to the state legislature stating that their studies of fracking in California would not be ready by the Jan. 01, 2015 deadline in Senate Bill 4, the legislation to regulate fracking that was authored by Sen. Fran Pavley. They will be delayed six months.

This is very important, as the state's oil & gas regulators, known as DOGGR, will be finalizing their regulations on fracking for the oil & gas industry this winter. The new regulations will now be announced BEFORE the studies on the safety of fracking are completed.

The independent studies, conducted by the Ca. Council on Science & Technology and the Lawrence Livermore National Laboratory, have been delayed because they are taking longer than expected to complete, and must also undergo peer review. The studies will look at air & water quality effects, and the potential for seismic activity stimulated by fracking activities.

The hundreds of oil wells in the Sespe Oilfield north of Fillmore have been routinely fracked, according to Seneca, the main well operator there. The oilfield's wells are often hundreds of feet above Sespe Creek in that area, which flows at the bottom of a thousand-foot-deep gorge. Any toxins leaking into groundwater from fracked wells there might readily flow downhill into the surface waters of Sespe Creek, affecting both riparian wildlife and downstream water diverters.

In other local oil drilling news, Citizens for Responsible Oil & Gas (CFROG) and Los Padres ForestWatch lost an appeal before Ventura County's Planning Commission in mid-September. The appeal was of an earlier decision by the county's planning director, allowing a 5-year Conditional Use Permit to Dos Cuadros Offshore Resources to drill and test two wells in Modelo Canyon, near Piru and the Sespe Wilderness.

The appellants had sought more in-depth environmental review, including impacts on water quality, the endangered California condor, and other wildlife. A further appeal to the Ventura County Supervisors is under consideration. The oil & gas industry has enjoyed a free ride for decades, because the environmental community, of which KSWC is part, failed to pay attention to how slack the state's and county's regulation of the industry was.



A pool on the Sespe between the Hotsprings Creek junction and Alder Creek, looking downstream. A little-traveled area.

QUAGGA MUSSELS INFEST LAKE PIRU'S SANTA FELICIA DAM INTAKE PIPES

In mid-August United Water's staff discovered quagga mussels in the water intake pipes that carry Lake Piru's water through the heart of the Santa Felicia Dam to Piru Creek downstream.

Quaggas are known for their ability to cluster in water infrastructure pipes so densely that eventually the pipes become clogged and cannot function to convey water at all. Of course this can be remedied, but always at considerable expense. In this case, experienced deep-sea divers will have to be retained to enter the narrow and dangerous pipelines with equipment to regularly scrape the quagga mussels off the insides of the pipes.

United Water estimates that their annual maintenance costs for the dam and lake, \$500,000, may eventually double due to the new costs of dealing with the quagga mussel infestation in their water pipes inside Santa Felicia Dam.

The E.P.A. has recently approved, after lengthy testing, a chemical treatment for quaggas in open bodies of water like Lake Piru. It is not known if United Water, who manage Lake Piru and its dam, will avail themselves of this treatment. So far, no steps have been taken to halt the spread of quaggas downstream, or in boats leaving Lake Piru.

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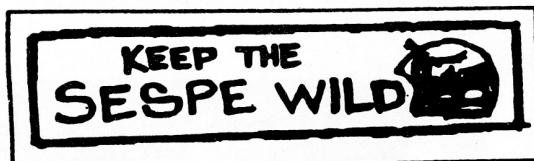
Our original T-shirts are light blue with the Keep the Sespe Wild logo in five colors.

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.

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

ESTUARY OF SANTA CLARA RIVER BLOCKS McGRATH STATE BEACHAGAIN

The outflow from the City of Ventura's sewage treatment plant has once again flooded campsites at McGrath State Beach this summer. After dry winters when the Santa Clara River has had insufficient flows to breach the estuary lagoon through the built-up sandbar to the ocean, the summer flows from the treatment plant fill up the lagoon to where the campground and access road are partly underwater and have to be closed.

This is protected wetland habitat for several threatened and endangered species that thrive in or on the lagoon's brackish waters, but it is not favored by those that enjoy the beach camping at McGrath State Park.

Last summer the Ventura County Watershed Protection District successfully arranged permits to instal a temporary system of pumps that lowered the estuary's water level and sent the pumped water into the ocean. Longterm, the dual solution is to move the campground to higher ground, and to put the highly-treated wastewater to other beneficial use for irrigation needs nearby.

FINAL WORD ON THE HIKER FOUND DEAD IN THE SESPE GORGE LAST SUMMER

After a post-mortem examination on the body of missing Sespe hiker Michael Herdman, it was disclosed that he had been consuming both alcohol and the drug ecstasy on the night he took off in the moonlight. He ended up climbing 1,000 feet up the steep west bank of the lower Sespe Gorge and falling to his death.