

# THE SESPE WILD

The Newsletter of the Keep the Sespe Wild Committee

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## LAWSUIT FILED TO SAVE PINE MTN. ANCIENT CONIFERS

APRIL 2022

KSWC joined Los Padres ForestWatch to retain Santa Barbara's Environmental Defense Center (EDC) to file suit against the decision by Los Padres National Forest (LPNF) to log up to 15,000 old growth native conifers from the Pine Mountain/Reyes Peak ridge line north of Ojai.

The lawsuit was filed on April 27. The City of Ojai and the County of Ventura are both filing their own lawsuits opposing the logging plan.

The EDC is also representing the American Alpine Club and the Earth Island Institute. The Center for Biological Diversity is representing itself and Patagonia Works in the same lawsuit.

LPNF's decision to go ahead with their logging plan came on October 04, 2021, after receiving many thousands of public comments from around the region that almost unanimously opposed this ill-conceived proposal.

Lawsuits such as this can take a year or more to come before the federal courts - so please do not expect a decision any time soon.

### EXCERPTS FROM THE LAWSUIT

The Forest Service intends to log thousands of trees in the Project area, including an unlimited number of old-growth trees as large as sixty-four inches in diameter.

Reyes Peak contains the only "sky island" near Santa Barbara or Los Angeles, meaning it provides unique habitat to higher-elevation species that cannot survive in the nearby low-land regions.

The Reyes Peak Project is also located entirely within ancestral lands of the Chumash people, and Pine Mountain (known by its traditional name of "Opnow"), is a sacred peak that is significant to the spiritual and religious beliefs of the Chumash.

The Forest Service violated the National Environmental Policy Act when approving the

Reyes Peak Project. The agency wrongly relied on categorical exclusions instead of conducting an environmental assessment or environmental impact statement, thereby short-circuiting public involvement and the consideration of alternatives. The Forest Service ignored the requirements of the categorical exclusions that were relied upon.

(The agency's categorical exclusions do not) authorize commercial thinning, (and do) not authorize the logging of large trees that contain dwarf mistletoe, or the removal of snags or downed wood. (The agency failed to) maximize the retention of old-growth and large trees, consider the best available scientific information, and develop and implement the project using a collaborative process.

Wildlife impacts were also wrongly ignored under the Endangered Species Act. The Project area is home to the endangered California condor, which uses large trees for roosting.

In addition, the Sespe-Frazier Inventoried Roadless Area (IRA) is protected by the Roadless Rule. This Rule forbids logging in any IRA except in very limited circumstances, such as the logging of small diameter trees.

Moreover, over thirty percent of the Project would occur within two proposed additions to the Sespe Wilderness approved by the House of Representatives with the passage of the Central Coast Heritage Protection Act. The Act is awaiting a vote in the Senate.

The data shows there are fewer trees in the Project Area today as compared to 1930. The Forest Service based its decision to log the Project area on these wrongful assumptions.

The Forest Service did not consult with several of the local Chumash tribes, bands, clans and family groups in order to identify cultural resources on the Project site.

The Project authorizes the mastication of hundreds of acres of chaparral. Plaintiffs' comments discussed how this action can increase, rather than decrease, wildfire risk. Specifically, it can lead to an increase in non-native, invasive plant occurrence in the area ... especially by non-native annual grasses which can increase fire occurrence and frequency.

Vegetation removal on Pine Mountain ranks very low on the Forest Service's own priority list. Specifically, in a 2015 assessment, officials listed the Reyes Peak project as priority number 118 out of 163 projects.



*One of several campgrounds along the Pine Mountain ridge line, at 7,000 feet in elevation, east of the summit of Hwy. 33, surrounded by old-growth conifer trees.*

## **UNITED WATER MISLEADS CONGRESS ABOUT STEELHEAD**

In testimony before the House Committee on Natural Resources in June of 2021, Mauricio Guardado, the manager of United Water, based in Oxnard, had no qualms about including misleading statements about the southern steelhead.

United Water operates the Freeman Diversion Dam on the Santa Clara River near Saticoy, where migrating steelhead have for three decades been unable to pass upstream to access their ancestral spawning and rearing grounds along Sespe Creek, Piru Creek, Santa Paula Creek and other smaller creeks.

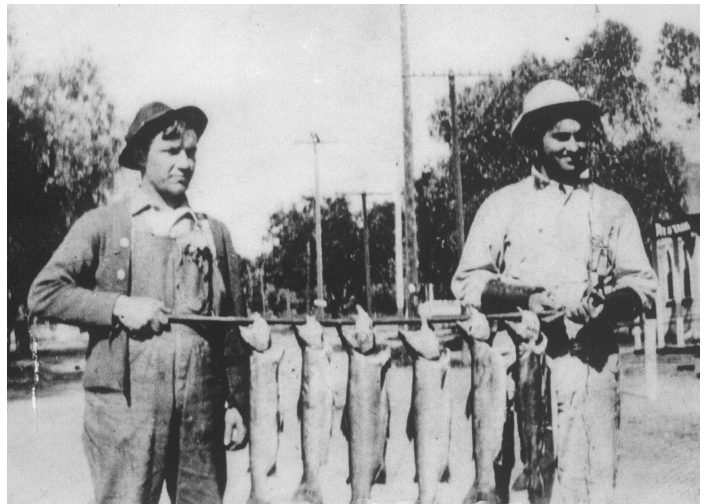
United Water have fought tooth and nail to oppose the design and construction of functional fish passage at the Freeman Diversion.

The southern steelhead were listed as a federal endangered species in 1997. The National

Marine Fisheries Service (NMFS) recovery plan for the steelhead requires that passage be built past migration obstacles such as the Freeman Diversion Dam.

In his testimony to Congress, Mauricio Guardado stated that "in NMFS' direction to United Water, the agency is requiring United to provide passage for steelhead on the Santa Clara River at flows [containing sediments] that would see more than three times that rate, 7,000 mg per liter. This is lethal to the steelhead they say they are trying to protect."

An extensive search of the scientific literature demonstrates that there is no basis for United Water's claim. Southern steelhead are naturally adapted to navigating high sediment flows in their natural habitat in Southern California watersheds.



*Steelhead trout caught in Piru Creek around 1920, before Santa Felicia Dam was constructed. Photo from NMFS' Biological Opinion on Santa Felicia Dam, published in 2008.*

Guardado goes on to deny the well-established historical record of the presence of steelhead trout in Piru Creek above Santa Felicia Dam and Lake Piru.

"In fact, there has never been documentation of steelhead in that watershed. However, despite historical data, consistently dry conditions, natural migration barriers and assessments of the region, NMFS' Biological Opinion reaches different conclusions. It attests not only to the possibility of a steelhead resource, it also requires the construction of a very expensive fish passage structure and, since 2010, contin-

uous water releases from United's infrastructure into lower Piru Creek, deemed critical habitat by NMFS, for fish that have never been seen there."

Once again, an elaborate work of fiction from United Water. The truth is that United Water's own activities are front and center in being responsible for the collapse of steelhead populations in the watershed of the Santa Clara River.

The construction of the Freeman Diversion Dam on the Santa Clara River, and the Santa Felicia Dam on Piru Creek, established almost complete blockage of the steelhead's migratory corridors. Further, United Water's dewatering of those river corridors continues to prevent access for migrating steelhead to move up or downstream. Fish do need water to get from A to B.

Steelhead were once present in every river and creek in southern California. Piru Creek is not an exception. These fish are still present today in Piru Creek above Santa Felicia Dam, though their access to and from the ocean is completely blocked by the dam.

## **VOTE "YES" ON MEASURES A and B, in JUNE 2022!**

On the ballots of Ventura County residents this June are Measures A and B, which both require modern environmental safeguards to be applied to oil company drilling permits issued before 1970.

The County of Ventura passed an ordinance to this effect in 2020, which was opposed by the oil industry and has led to these measures being placed on the ballot for the voters to confirm.

**THIS IS EXTREMELY IMPORTANT, AS THE OIL COMPANIES WILL BE SPENDING THE ENORMOUS SUM OF \$6.5 MILLION DOLLARS TO CONFUSE THE VENTURA COUNTY PUBLIC AND ENCOURAGE A "NO" VOTE ON BOTH MEASURES!**

Please talk to everyone you know about voting "YES" on measures A and B. Supporters of these measures are working hard to get the word out - but they do NOT have millions of dollars to spend. Please use your social media to reach your voting family and friends.

## **HELP US STOP ILLEGAL FEE COLLECTION AT PARADISE ROAD!**

KSWC has long critiqued the collection of fees by the Parks Management Company (PMC) at their kiosk on Paradise Road north of Santa Barbara.

While fees are allowed under their concessionaire permit from Los Padres National Forest for the use of developed campgrounds and day-use sites past the kiosk, PMC kiosk staff simply ask every driver for \$10, without asking where they are headed.

PMC's permit specifically forbids any fees for access to undeveloped sites such as roadsides, creeks, trailheads, etc.

KSWC is starting an activism program to ask the public to record their interactions with PMC kiosk staff, in order to provide testimonials to Los Padres administrators and our Congressional delegation about illegal fee collection.

If you'd like to participate in this activism program, please contact KSWC by email at - [sespecoyn@gmail.com](mailto:sespecoyn@gmail.com) or by phone at (805) 921-0618, and we'll tell you what the plan is.

Thanks!



*Sespe Creek at the first crossing east of Bear Creek, on the way to the Sespe Hotsprings on April 01.*



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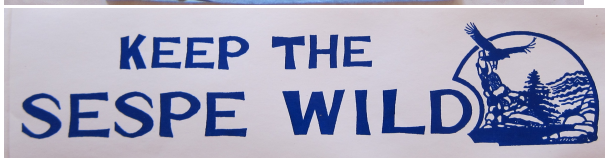
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### **DONATIONS TO KSWC**

Please continue to support KSWC's work with a donation. You may mail your donation to - KSWC, PO Box 715, Ojai, CA. 93024. Donations are not tax-deductible.

If our lawsuit against Los Padres Forest's planned logging of up to 15,000 trees along the Pine Mountain ridge line is successful, the funds we expended for the legal team at the Environmental Defense Center will be refunded to KSWC and the other plaintiffs at the conclusion of the proceedings.



*An adult endangered Arroyo Toad on the trail after dark.*