THE SESPE WILD

The Newsletter of the Keep the Sespe Wild Committee
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TOXIC DUMPING INTO SESPE CREEK

DECEMBER 2022

The Howard Fire on Sespe Creek started early on a windless Saturday afternoon, October 08, about two miles downstream from the Piedra Blanca trailhead in Rose Valley. The fire may have started from a lightning strike - rain and thunder were witnessed locally.

The good news is that Los Padres National Forest (LPNF) fire resources were quickly mobilized, so that the fire was quickly contained at 85 acres. Assisting the ground crews were one or more helicopters dropping water, and three fixed-wing aircraft dropping the fire-retardant chemical known as Phos-Chek. Our gratitude in particular to all the firefighters on the ground.

Phos-Chek is toxic to aquatic species, and federal law prohibits dumping it within 300 feet of waterways - meaning that there is required to be a 600-foot-wide no-dumping buffer area around all creeks and rivers.

LPNF reported on Oct.10 that an "aerial fire retardant misapplication" had occurred on the day of the fire, when Sespe Creek was directly hit with two wide swaths of Phos-Chek.

A later incident report by the Ca. Dept. of Fish & Wildlife, filed after their own Oct. 26th. site survey, found that about 150 linear feet of Sespe Creek's streambed were directly hit by bright-red Phos-Chek.

It is unfortunately impossible in this black-and white print newsletter photo to see the red stains of Phos-Chek covering rocks on both banks of this Sespe Creek pool - and also atop the small rock in the middle of the creek.

We visited this pool two weeks after the incident - no living aquatic species were spotted during an hour's close observation. No turtles, no trout, not even any bluegill, which usually hang out in large numbers in the shallows. Phos-Chek is toxic to aquatic species because it contains ammonia, which can drastically increase the alkalinity of stream water. That is, until it is diluted by the creek's water flows.

"A dilution in the range of 100 -1750 times was necessary to approach a safe concentration for rainbow trout." (Gaikowski et al, 1996.)

The problem that day at this Sespe Creek pool is that, due to our ongoing drought, the pool water was so low that there was no moving water flow to act to dilute the Phos-Chek.

Quoting from LPNF's Oct.10 incident report - "Investigation of the intrusion site showed that retardant was distributed in a moderate but continuous coverage of the rocks and vegetation around the pool. Discoloration and fluctuant were discovered in the water where retardant had dissolved into the pool, leaving a scrim of residue on the surface. Closer investigation of the pool indicated that numerous live fish and aquatic invertebrates were still present in the pool."

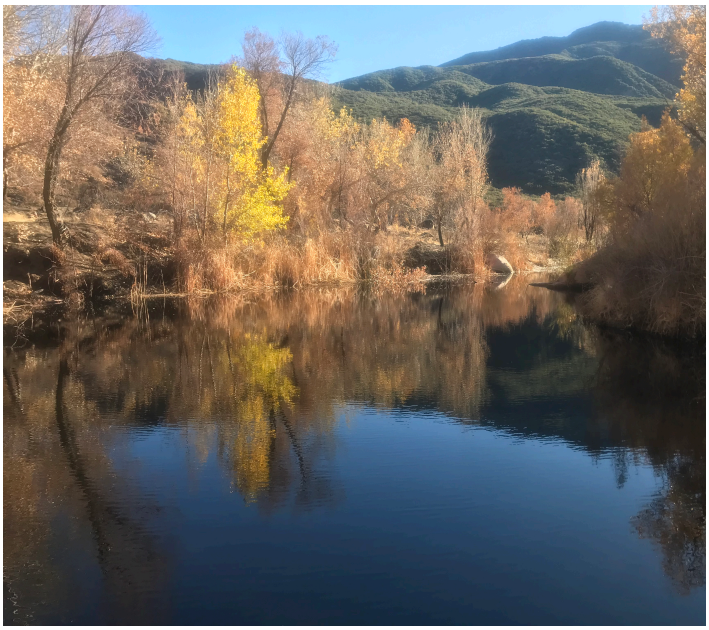
What's wrong here is that it is not true that numerous live fish survived the Phos-Chek dump on this pool, according to our observations on our Oct. 23 site visit.

To clarify, in this drought, the two pools right here are the only Sespe Creek surface water for some miles around. The pool in this photo was

the one blanketeded with Phos-Chek. Another smaller pool a hundred yards upstream was not hit by Phos-Chek, and was still home to many live fish of several species.

The Oct. 26 report by the Ca. Dept. of Fish & Wildlife (CDFW) did see some green sunfish in the Phos-Chek dump pool, as well as a bullfrog and a pond turtle. They noted that green sunfish are known for their ability to survive in low dissolved oxygen environments.

It is also possible that a turtle and a bullfrog may have re-entered this pool in the 18 days between the incident and the CDFW's site visit.



The Phos-Chek dump pool, known to locals as Two-Mile pool, refilled after the early November rains, and is safe for aquatic species' habitat once more.

While neither official survey noted rainbow trout sightings, over 25 years of regular visits to Two-Mile pool we have frequently spotted the native trout there.

LPNF reported that 4.2 full drops of Phos-Chek were made within the retardant avoidance area by three different fixed-wing aircraft that day, averaging about 3,000 gallons per drop, for a total of 12,000+ gallons dumped illegally.

These aircraft were flying on a clear, still day, when Sespe Creek's mostly-dry summer channel would have been visible to the aircraft personnel. Though the sky was smoky, the vegetation-free creek corridor would still have been visible on the east and west sides of the fire. Two-Mile pool is located right at the very eastern perimeter of the Howard Fire burn area. There are no signs of any burning east of the downstream end of Two-Mile pool.

It is unclear how the three aircrafts' personnel can have simply failed to notice the creekbed and the pool, at the far edge of the fire, over four consecutive Phos-Chek drops.

LPNF spokesman Andrew Madsen told the Coast Reporter newspaper that the Phos-Chek dumps were ordered by the Howard Fire's incident commander, after reports of hikers being trapped beyond (east of) the fire zone.

Andrew Madsen added that "they requested the use of retardant in this area due to the imminent threat to life and limb based on what they knew about numerous hikers and hunters who were on the other side of the fire from the trailhead."

We can confirm that two hunters, a man and his 10-year-old son, were flown out from the trail east of the Howard Fire back to their vehicles at the Piedra Blanca trailhead by a Sheriff's Dept. helicopter.

The red Phos-Chek dumps are clearly visible across the landscape, following the perimeter of the 85-acre Howard Creek burn area, far beyond the Sespe Creek 600-foot buffer zone. Clearly most of the Phos-Chek applications were targeted, as they should be, at the fire's perimeter beyond the creek buffer zone.

An 85-acre wilderness fire is modest in size - were it a square shape, that'd be about 650 yards, a third of a mile, to each side.

What are the potential repercussions of the illegal dumping of 12,000+ gallons of fire retardant chemicals into the Sespe Creek channel and the 600 feet wide buffer zone?

FSEEE FILES LAWSUIT AGAINST U.S. FOREST SERVICE'S PHOS-CHEK DUMPS INTO CREEKS and RIVERS.

The Forest Service Employees for Environmental Ethics (FSEEE) is an environmental organization, based in Oregon, that works to ensure that the U.S. Forest Service (USFS) follows the law.

Quite coincidentally, the Howard Creek fire occurred in the same week that FSEEE filed a lawsuit against the USFS' ongoing pattern of

dropping plane loads of Phos-Chek on protected river buffer zones, where this is illegal.

FSEEE added the Sespe Creek Phos-Chek incident to their lawsuit, filed on October 11th.

From this lawsuit, we learned that the federal Clean Water Act prohibits the discharge of pollutants from a point source into waters of the U.S., unless an N.P.D.E.S. permit has been issued.

Fire retardant is a pollutant, and aircraft are a point source. The USFS and its contractors continue to dump Phos-Chek into rivers, without the required permit.

From 2012 to 2019, the USFS dropped fire retardant at least 459 times into national forest creeks and rivers, totaling 761,282 gallons.

The USFS claims that a letter from the federal Environmental Protection Agency (EPA) lets them do this, but the lawsuit states that an EPA opinion cannot amend the Clean Water Act.

When Phos-Chek enters a waterway, direct effects include lethal and sublethal effects on aquatic species.

From 2012 to 2019, there were 138 incidents where fire retardants were dumped on river and creek habitat for threatened or endangered species, which requires consultation.

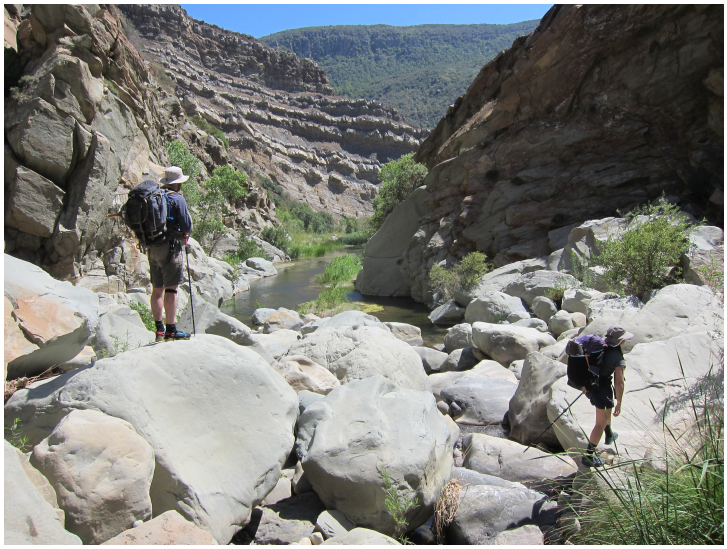
Sespe Creek is one such area, where the creek corridor is habitat for endangered steelhead trout and arroyo toads.

FSEEE's lawsuit asks the courts to compel the USFS to comply with the applicable environmental statutes when dumping retardants from aircraft.

So there may come a time when this illegal dumping of retardants ceases, and aquatic life can continue undisturbed by toxic chemicals during wildfires.

Andy Stahl, FSEEE's director, told the Coast Reporter in November that dumping water on the Howard Fire's perimeter would have been just as effective as dumping Phos-Chek.

"It's a really good illustration of the silly use of fire retardant in a place where that fire wasn't threatening anything. That's in a wilderness area. It was not a hot, windy day. The fire could have been suppressed with water. Water is not toxic. Water does not kill fish. Retardant is toxic and it kills fish. So, I mean, there can't be a clearer cut case that we don't dump toxic pollutants in Wild & Scenic Rivers [like Sespe Creek] in wilderness areas where we have endangered species. That's like the worst possible place."



Looking downstream to Second Narrows in the lower Sespe Gorge this July. The Sespe Gorge's pools are still silted up from the sediment build-up resulting from landscape-scale erosion after the Day Fire back in 2006. One may still walk through this pool, which at other times requires a swim - or a climb around.

WE THANK YOU FOR YOUR ONGOING DONATIONS TO KSWC

Just a reminder to please help us pay the bills every year. And, thanks to all of 2022's donors so far.

Sometimes the volume of donations slips a bit, in the normal course of things. That was the case following our Sept. 2022 newsletter.

Will you help us make that up this month?

Your donations are not tax-deductible.

To offer a brief history lesson - over the course of our 33-year existence, we have never once sent out a fund-raising mailing to our supporters. Your donations have always paid the bills for KSWC. Thanks again!

CALIFORNIA CONDOR UPDATE

From the Ventura Star on Oct. 11 -

Out of 11 condor pairs nesting this year in Southern California, unfortunately only one condor chick survived past four months in age. While the wild condor populations across the western U.S. are still growing, there have been some recent setbacks. In 2020, there were 42 condor deaths, incl. 34 in California. *(continued)*

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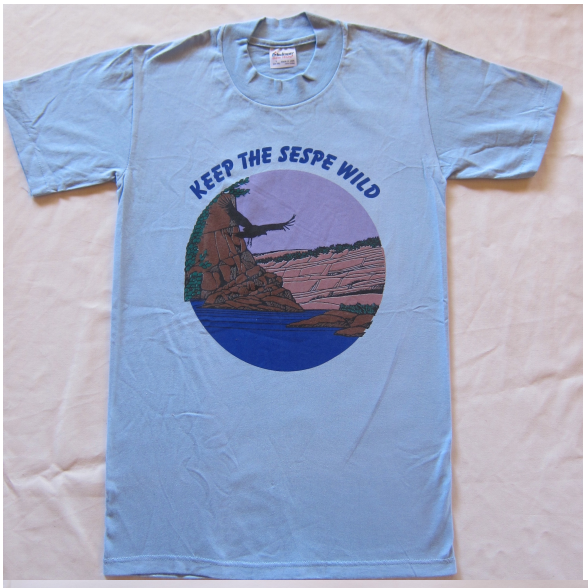

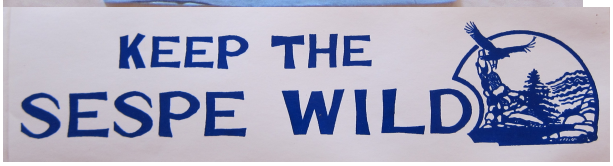

SESPE T-SHIRTS: $20 incl. tax & shipping.
Light Blue T-shirts - 5-color logo on front.
White T-shirts - 5-color logo on back, plus small blue pocket logo on front.

State white or blue, plus sizes - S, M, L, XL, or XXL.
T-shirts are 100% organic cotton fabric.

SESPE BUMPERSTICKERS: $2 each.

Mail orders to: KSWC, PO Box 715, Ojai, CA 93024.
Allow a few weeks for delivery. Thank you.

That marked three times the deaths in 2019. Though lead bullets are now banned for hunting in California, lead poisoning (from carrion-eating condors eating hunters' kills) remains the leading cause of avoidable California condor mortality.

A live camera was set up to allow the public to watch the solo Southern California 2022 condor chick, in a canyon north of Fillmore.

Releases into the wild of captive-bred condors continues, with six in Southern California this fall. In Central California, three wild-born chicks survived, and there were eight captive condor releases.

From the New York Times on May 20 - The Dolan Fire in the Big Sur area in 2020 resulted in the deaths of 12 California condors. In May, a worker at an illegal backcountry marijuana farm, where the blaze stated, was sentenced to 24 years in state prison on 16 felony counts. He confessed to starting the fire. One Dolan Fire victim was an adult condor known as Kingpin, regarded as the dominant male condor in the local flock.

Other news - N. California's Yurok tribe is establishing a new condor release site.