

# KEEP THE SESPE WILD & FREE

The Newsletter of the Keep the Sespe Wild Committee

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SEPTEMBER 2016

## MATILIJIA FALLS TRAIL ACCESS WIN

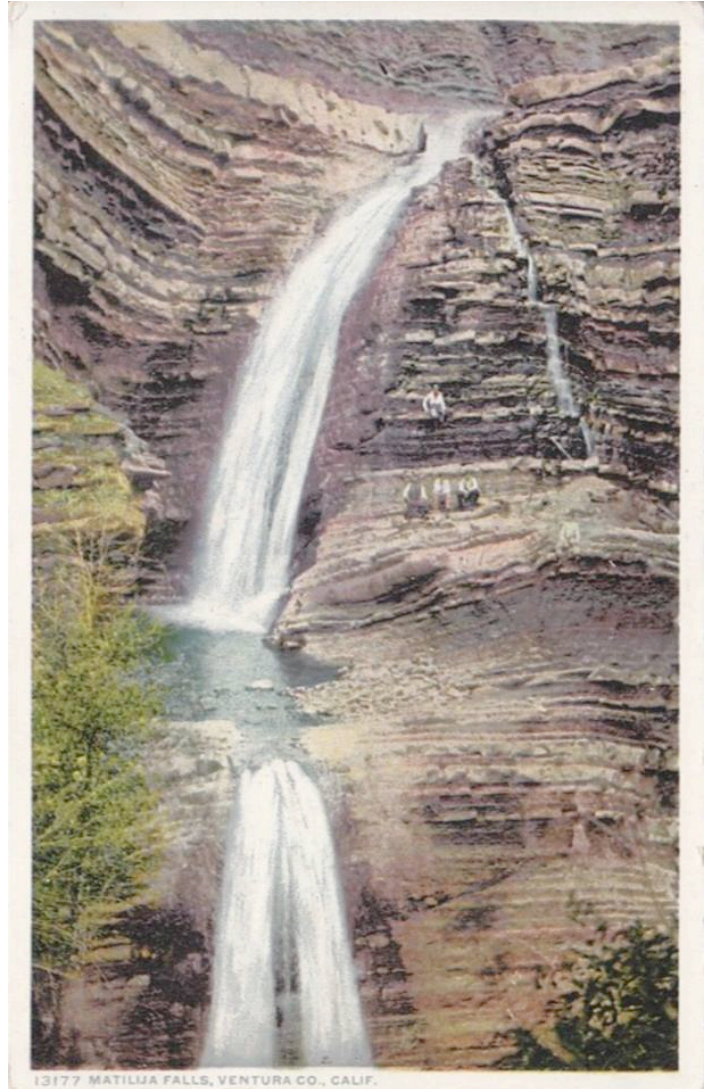
A settlement has been reached between KAMFO (Keeping Access to Matilija Falls Open) and Matilija Canyon landowner Buz Bonsall, which now protects public access in perpetuity across his canyon property to the popular Matilija Falls.

Bonsall has owned this property, an inholding within Los Padres National Forest, since 1977. In 2010 he began informing hikers across his approximately one mile of trail that they were trespassing on private property and would have to turn back the way they came. He posted signs starting at the trailhead at the end of Matilija Canyon Road, informing hikers that they were now prohibited from using the trail towards the falls as it crossed his property – starting a short distance before Flat Rock.

This situation led to the formation of KAMFO, a coalition formed for the purpose of finding a way to restore the public's access to the falls, which has been documented for over 100 years. Members of KAMFO include Los Padres ForestWatch, KSWC, County Supervisor Steve Bennett, the law offices of Slaughter, Reagan & Cole in Ventura, and a number of individual hikers with a long history of using the Matilija Falls Trail.

The basis for KAMFO's campaign is a California law that allows a public right of way to be established if a number of hikers who used the trail prior to 1972 file legal declarations describing that long-ago use. Obviously we are coming closer to the limits of claiming a right of way under this law, as the 1972 date means that adults who used the trail before then are now in their 60's, or older.

But KAMFO started off by opening negotiations with Buz Bonsall in an attempt to come to some agreement satisfactory to all parties. This stage of the proceedings went on for several years, with no real progress being made. Meanwhile, discussions with Ojai District Ranger Sue Exline revealed that an old U.S. Forest Service trail, the Bald Hills Trail, had crossed to the east of the creek close to the southern edge of the Bonsall property, and proceeded the few hundred yards north up to Flat Rock on the east bank.



*A 1910 photo of four hikers at the Matilija Falls.*

This section of the Bald Hills Trail has in recent decades become lost in tall, dense chaparral, but its route is clearly visible in archival Forest Service aerial photographs from the 1970's and before. The Forest Service has a permanent public access easement along this route, which is not something the agency would willingly surrender. It is after all the property of the American people. This route thereby became a central point in KAMFO's efforts to secure access once again across the Bonsall property to Matilija Falls. KAMFO sought to restore falls access along the route of the Bald Hills Trail easement.

In 2015 KAMFO concluded its efforts to secure declarations from hikers who had used the trail across the Bonsall property prior to 1972. In all, there were about 10 declarants who signed statements as to their earlier use of this trail. This was sufficient evidence of prior trail use to take the issue to the Ventura County courts last year.

Before a case goes to trial there is a requirement for a settlement conference, where both parties and their attorneys meet with a judge to discuss various ways in which the matter might be resolved without the time and expense involved with a full trial, which might take one or more full days in court. This year there were actually two such settlement conference meetings, at the second of which Buz Bonsall agreed to KAMFO's proposal to clear the old Bald Hills Trail the few hundred yards up to Flat Rock. At that point the trail has to return to the left/west side of the creek for a short distance, as there is a steep cliff on the east bank.

Another player weighed in on the matter in 2015 – the Wilderness Land Trust, based in San Francisco. This organization looks to buy private inholdings in California's National Forests, for a price set by federal land appraisers. They then hold those parcels until the U.S. Forest Service secures the funds to buy them, at which point the land becomes public Forest Service land. This can take five years or more.

The Wilderness Land Trust has expressed a serious interest in purchasing an initial 80-acre parcel of the Bonsall property. This is an area of land a quarter mile wide and half a mile top to bottom, including the creekbed of Matilija Creek, starting a short distance upstream from Flat Rock and the old campground site and ending close to the base of the Matilija Falls. Whether a sale actually comes about is entirely up to both parties.

Regardless of this possibility, KAMFO is also now responsible for creating a new half-mile of trail across the 80-acre parcel that may be later acquired by the Wilderness Land Trust. Here the trail will again be on the east bank of the creek, though the terrain is not dense overgrown chapparal, but open rocky flood-plain with sporadic native shrubs. KAMFO will likely hire the CREW, a local trail-building group that hires young people to do hard work in such areas, to perform all the required trailwork.

Volunteers wishing to assist with the trailwork are welcome to send us their contact information. Donations may also be sent in for this purpose.

The new trail easement has already been recorded with the County of Ventura; the easement itself is held by the Ojai Valley Land Conservancy. KAMFO will quietly cease to exist after the trailwork is completed, likely within six months or so.

We wish to thank the law offices of Slaughter, Reagan & Cole for an enormous amount of pro bono legal work on KAMFO's behalf over the past six years. In particular, Bill Slaughter and Gabriele Lashly were involved throughout the campaign. Thanks are also due to Los Padres ForestWatch and to Theresa Hartigan and Chris Danch for the parts they played in this community effort, as well as to the many declarants who established their prior use of the trail to Matilija Falls, and of course to Buz Bonsall.

### **PLEASE DONATE TO KSWC!**

Your donations to KSWC are our only source of funding. Unfortunately, they are not tax-deductible. Thanks again to all of you who keep us afloat year after year! You may also now donate to us via Paypal. This is most useful for the few hundred of you who receive our quarterly newsletter electronically, and who therefore don't get those remit envelopes with the snail mail newsletter. Our Paypal link is down, but Paypal offers two ways to proceed:

- (1) If you have a Paypal account, log in and send your \$ donation to our Paypal email address – [sespedonations@gmail.com](mailto:sespedonations@gmail.com)
- (2) If no Paypal account, email KSWC directly at the above email address, with the \$ amount, & we'll invoice you via Paypal, to your email.

### **LEGACY DONATIONS TO KSWC**

Here is information on remembering KSWC in your will or trust. The benefits to you include reducing your potential tax burden, as well as helping Sespe Creek and its watershed.

A bequest is one of the easiest gifts to make. With the help of an advisor, you can include language in your will or trust, specifying a gift be made to KSWC. This may be a certain dollar amount, or a percentage of your estate. Our thanks to the supporter who suggested we research this opportunity.

### **PSHB TREE-KILLING BEETLE**

We continue to work on publicizing the devastating tree killing PSHB beetle. We are looking for funding for more traps in the Ojai Valley, and our PSHB flyer is now available in Spanish.





*California condor, tag number 6, soaring above our hiking group at the top of the Johnston Ridge trail from the Sespe Hotsprings in May 2016. Photo courtesy of a fellow hiker who was quick with his camera.*

## **PINE FIRE REPORT**

The Pine Fire, situated just north of the Sespe watershed, north-east of Pine Mountain and south of Camp Scheideck, was declared contained after two weeks, in mid-July, with 2,304 acres burned. Over 660 firefighters worked the fire at its maximum, supplied by packtrains due to the inaccessibility of the fire's location.

On the Pine Fire, six members of the Santa Ynez Band of Chumash Indians from the Santa Ynez Chumash Fire Department worked on the fireline with federal archeologists and firefighters to identify and protect sensitive historical resources from inadvertent damage. Cultural Resource Specialists (CULS) use existing data to locate areas to be avoided, and also search for other sites which may have not have been known previously. The CULS mark the areas that are to be protected so firefighters know not to disturb these sites.

Driving up Hwy. 33 you can still see red stains near the Pine Mountain ridgeline, where aerial fire retardants were dropped. The red will wash away with winter rains. The cause of the fire is still to be determined.

## **THE PACIFIC LAMPREY**

This unusual eel-like fish has been frequently found in earlier surveys in the mainstem of Sespe Creek, though the 2014 study "Pacific Lamprey in the Santa Clara River drainage" by Stewart Reid, found no larvae in the upper Sespe's excellent lamprey habitat that year.

They are native to the freshwater rivers on the Pacific Coast from Baja to Alaska, and on down to Japan.

The lamprey's larvae, known as ammocoetes, have no eyes, no teeth and no sucker mouth. For between 4 and 7 years, they live in an open-topped burrow in the sand, feeding on algae and microorganisms that drift by. After that, at about 6 inches in length, they become juveniles and develop a mouth, teeth & eyes. They are then ready to migrate to the ocean, usually at night and in high storm flows.

In the ocean, they feed as parasites, with their sucker mouths attached to larger fish or marine mammals. The fish they attach to do not usually die from the lamprey's feeding. Not much is known about where they travel while in the ocean.

After 1 to 3 years, now about 24 inches in length, they return to freshwater to spawn. Unlike salmon and steelhead, they do not come back to the freshwater stream where they were born.

They seem instead to be attracted upstream by larval pheromones in the water, sometimes traveling hundreds of miles (for instance, from the Columbia River all the way to Idaho!).

They are able to pass upstream past barriers that salmonids cannot jump, by using their sucker mouths to climb up wet rocks.

Lamprey spawning in the Sespe takes place in the early months of the year, in well-oxygenated pool gravels, where, like salmonids, they make a redd, or nest, in the gravel.

Federal Endangered Species Act protection for the Pacific Lamprey was sought in 2003, but denied due to insufficient data at that time.

They are listed in U.S. Forest Service Region 5 (that's California) as a sensitive species, and by the California Department of Fish & Wildlife under special species status.



*An adult Pacific Lamprey in Alaska; photo from Alaska Dept. of Fish & Game.*

**Keep the Sespe Wild**  
**P.O. Box 715**  
**Ojai, CA 93024**

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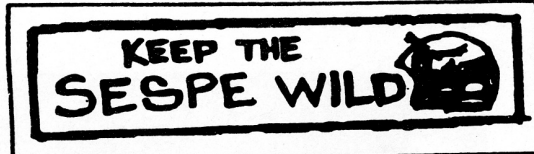
**Our original T-shirts are light blue with the Keep the Sespe Wild logo in five colors.**

**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**

## **UNITED WATER & STEELHEAD PASSAGE AT THE FREEMAN DIVERSION DAM**

In our last newsletter we mentioned a June 2016 letter from the National Marine Fisheries Service (NMFS) to United Water in Santa Paula, who operate the Freeman Diversion Dam on the Santa Clara River near Saticoy. This approximately 20 foot tall structure captures river water to replenish underground aquifers beneath the Oxnard Plain.

The NMFS letter gave notice to United Water of legal action if United Water did not implement provisions to improve passage for upstream migrating steelhead at the Freeman Diversion.

United Water had failed to implement a number

of operational adjustments that had been legally required eight years previously.

It would appear that United Water is closer to implementing these operational adjustments. A NMFS letter to United Water dated September 07, 2016, makes one change to the required conditions, and expresses willingness to discuss amendments to those requirements, so long as doing so does not delay the current implementation deadline of December 01, 2016.

United Water has a decades-long history of delaying actions to improve steelhead migration passage upstream there. A fish passage structure built at the Freeman Diversion in the 1990's has never really worked.