

# KEEP THE SESPE WILD & FREE

The Newsletter of the Keep the Sespe Wild Committee

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JUNE 2016

## ADVENTURE PASS VICTORY for FREE ACCESS

### COURT SETTLEMENT GUARANTEES FREE PUBLIC ACCESS TO SO. CAL. UNDEVELOPED FOREST LANDS

After two years of negotiations, a settlement was finally signed in June between the U.S. Forest Service and the four plaintiffs in the lawsuit against the Adventure Pass forest fee program, as administered by the four Southern California National Forests. The result is that forest visitors may now enjoy free access to undeveloped forest lands, even when their favorite trailheads are next to car campgrounds & picnic areas.

This is the culmination of twenty years of activism against forest fee programs, beginning with 1996's Recreation Fee Demo Program, the brainchild of a group of corporate interests, including Disney, which sought to commercialize Americans' relationship with their federal public lands. Citizen outcry was swift and strong from Washington, Oregon, California, Idaho, Montana, New Hampshire, Colorado and beyond. A bipartisan coalition of Western (and N.H.) legislators worked to roll back the Fee Demo Program, and when its successor fee program, the Federal Lands Recreation Enhancement Act (FLREA) was passed by Congress in 2004, the new law expressly prohibited the U.S. Forest Service from charging fees for access to undeveloped public lands.

The U.S. Forest Service, however, just kept right on charging fees wherever they wanted to – including for access to undeveloped areas. Citizen opposition to this egregious situation led to a lawsuit filed in federal court in Tucson, where a judge ruled in 2012 that the agency had to guarantee free public access to those undeveloped areas. This ruling was binding in nine western states – but, guess what, the U.S. Forest Service (beyond Arizona) kept right on charging those fees that were prohibited, and ticketing cars without passes. So a new lawsuit was filed, based on the Tucson case's clear precedent, against the four Southern California National Forests' Adventure Pass fee program.

In 2014 federal judge Terry Hatter ruled in favor of

free public access to our enormous local acreage of undeveloped forest lands, and a settlement process began. But the U.S. Forest Service was still not about to surrender willingly the money stream coming in from Adventure Pass fees (which were meant to go to local facility improvements, though these rarely manifested).

In the end the plaintiffs in the lawsuit put in countless hours visiting and photographing 66 car campgrounds & picnic areas adjacent to forest trailheads in Southern California, and making suggestions as to where it was viable to place signage for free trailhead parking. In some cases, due to narrow roads, etc., this has meant a short walk to the trailhead. The Dept. of Justice attorneys representing the U.S. Forest Service understood that this was the only way to meet the letter of the FLREA fee law and to reach a settlement with plaintiffs.

The U.S. Forest Service will begin to place signage designating the free trailhead parking this summer, and they say they will not enforce Adventure Pass compliance at those 66 sites (mostly in the Angeles Forest) until the signs are up. They will also bring their websites up to date with this new situation.

### LOCAL LOS PADRES CHANGES

In Los Padres Forest the only site to see changes according to the new settlement is Piedra Blanca Trailhead in Rose Valley north of Ojai –gateway to the middle Sespe. You may say, quite rightly, that this site is only a trailhead and no camping is allowed. However, the settlement allows for signed and free parking before you enter the current parking area. We are fortunate that all other forest access trailheads in the Ojai Ranger District are already fee free.

In Santa Barbara County, the Paradise Road access will remain under fee control at the concessionaire kiosk, whether you are camping or just hiking. The concessionaire agreement is a legally-binding document for a specific time period that does not allow for modifications. On the whole, the settlement is of major benefit to the public.

## FOREST IN THE CROSSHAIRS

This is the name of a report by Los Padres Forest Watch on the forest degradation caused by unregulated target shooting across Los Padres Forest. You may see the full 52 page report for yourself:

[lpfw.org/forest-in-the-crosshairs](http://lpfw.org/forest-in-the-crosshairs)

LPFW found over 94 distinct shooting sites in Los Padres Forest, by checking out pretty much every side trail on 300 miles of roads. The pictures of shot-up appliances and the piles of shotgun shells and brass casings paint an ugly picture of a recreation activity that the Forest Service has done little to rein in.

The other three So. Cal. National Forests have all banned recreational target shooting. There are designated private gun club sites where responsible target shooting can take place in Rose Valley and at Winchester Canyon above Santa Barbara.

The report states that 53 wildfires were caused by shooters from 1992 through 2016, the total area burned coming to over 74,000 acres, or over 115 square miles. While the 2005 Los Padres management plan banned target shooting, nothing has yet been done to implement or enforce the ban. Problems include littering, vandalism, and dangers to the environment such as degraded water quality, lead toxicity and damage to nearby shot-up trees.

We recommend you join us in contacting Los Padres Forest Supervisor Bob Baird and asking him to ban unregulated target shooting throughout the Forest. Send him an email: [rabaird@fs.fed.us](mailto:rabaird@fs.fed.us)  
- mentioning some of the above points.

## MATILJA FALLS TRAIL – SOON!

KAMFO – Keeping Access to Matilija Falls Open - is now very, very close to the conclusion of the negotiations with Buz Bonsall about the granting of permanent public access to Matilija Falls through his private property below the falls. The final settlement had not been wrapped up before going to press in July. We will provide details in our Fall 2016 newsletter.

## PLEASE DONATE TO KSWC

Your donations are vital, not just for bringing you our quarterly newsletters, but also for our regular expenses. We have no other funding beyond your generosity. Donations are not tax deductible, as we are a 501(c)(4) non-profit.



*On our annual tamarisk eradication trip down the lower Sespe Gorge in June, the sedimentation is down to where a jump into First Narrows pool is possible once more. This pool has been measured at over 20 feet deep when the sand build-up is gone.*

## SOUTHERN STEELHEAD 5-YEAR STATUS REVIEW

The National Marine Fisheries Service (NMFS) has just produced their 5-year Status Review on the endangered southern California steelhead, whose population extends from the Santa Maria River south to the Mexican border.

There are a small number of locations where new monitoring stations are tracking a handful of adult migrating steelhead returning upstream to spawn.

The more numerous young adult steelhead, known as smolts, are counted on their way down to the ocean to begin the saltwater chapter of their lives. These smolts can be the offspring of the resident native rainbow trout that persist in the upper reaches of many watersheds. These fish are nearly genetically identical to the ocean-running steelhead, but can exhibit two distinct lifestyle choices – to go to sea (i.e. become anadromous), or to remain in freshwater and complete their life-cycle.

There are still very few steelhead making it back upstream to spawn, mainly because of dams and other blockages that prevent their passage. As a result of the current drought some local rivers have seen not enough rainfall to breach the sandbars in their estuaries, thus denying returning adult steelhead any access to their ancestral spawning grounds upstream. No change has been recommended to either the status or the boundaries of the listed endangered species.

Regarding the removal of Matilija Dam, the Ventura County Watershed Protection District (VCWPD) and stakeholders have selected a new alternative to dam and sediment removal that would substantially reduce project costs; the VCWPD has recently submitted a Proposition 1 grant application to refine the design of this alternative.

Non-Governmental Organizations provided support for steelhead recovery efforts within the Southern California Steelhead area, including production of a documentary video produced by California Trout: Southern California Steelhead: Against All Odds (<http://vimeo.com/79393289>).



*A Southern California Steelhead (Ventura River) c. 27 inches*

NMFS has issued biological opinions addressing fish passage and/or migration flows for United Water's Santa Felicia Dam on Piru Creek & the U.S. Army Corps of Engineers' Santa Paula Creek Flood Control Project, and continues to work on implementing the measures identified in these biological opinions. A Habitat Conservation Plan (HCP) has been initiated to cover the operations of the Vern Freeman Diversion Dam on the Santa Clara River near Saticoy, which currently inhibits upstream steelhead migration to Sespe Creek.

The 5-Year Status Review highlighted the importance of removing man-made steelhead passage barriers and providing adequate flows below dams and diversions in all core population watersheds; expanding monitoring and research; and maintaining the conservation hatchery functions at the California Dept. of Fish and Game's Fillmore hatchery. The full Status Review document may be found at: [http://www.westcoast.fisheries.noaa.gov/publications/status\\_reviews/salmon\\_steelhead/2016\\_status\\_review.html](http://www.westcoast.fisheries.noaa.gov/publications/status_reviews/salmon_steelhead/2016_status_review.html)

## **UNITED WATER BEING SUED – TWICE - ON STEELHEAD PASSAGE AT THE FREEMAN DIVERSION DAM ON THE SANTA CLARA RIVER**

In June the Wishtoyo Foundation and the Center for Biological Diversity filed suit against United Water, the agency that operates the Freeman Diversion Dam near Saticoy on the Santa Clara River.

This diversion dam captures flows from the river to replenish depleted underground aquifers beneath the Oxnard Plain. The dam is a significant barrier to upstream migrating steelhead seeking passage upstream to their spawning grounds in Santa Paula and Sespe Creeks. A fishladder constructed there twenty years ago has never functioned satisfactorily, and only a handful of steelhead are known to have managed to use it successfully in all of that time.

The lawsuit claims that the agency is continuing to cause harm to the endangered southern steelhead by blocking their upstream migration.

Also in June, the National Marine Fisheries Service sent a letter to United Water, with a notice to sue if measures to enhance steelhead passage at the Freeman Diversion Dam are not taken by December 1<sup>st</sup> of this year.

To quote NMFS' letter:

"NMFS is deeply concerned that in the 8 years since the issuance of the 2008 Biological Opinion, United has failed to institute key operational criteria set forth .... that would have lessened the impacts of the Freeman Diversion on the steelhead."

Further, "Absent a firm commitment from United to timely implement the.... criteria and measures, .... NMFS intends to pursue legal options available under the ESA [the Endangered Species Act] to ensure that adequate interim operating measures are in place to minimize the impending take of steelhead at the Freeman Diversion."

## **PSHB TREE KILLER BEETLE**

This beetle is known to be in Santa Paula & Ojai. We are including a flyer on the PSHB, which KSWC produced, inside newsletters going to residents of these areas. The list of trees the PSHB live and breed in is now over 40, and growing as research continues. Please help get the word out! We need to keep this deadly pest out of our backcountry – vigilance is vital.



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**P.O. Box 715**  
**Ojai, CA 93024**

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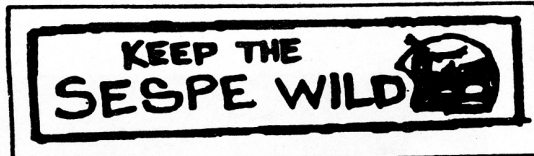
**Our original T-shirts are light blue with the Keep the Sespe Wild logo in five colors.**

**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**

## **THE PINE FIRE**

This fire began on June 30, about three miles due east of Reyes Peak on the Pine Mountain Road. Its cause is unknown at this point. The terrain is very rugged and hard to get ground crew access to.

By July 04 it had burned over 1600 acres and was moving north towards Lockwood Valley Rd. Crews are working to stop it from moving south into the center of the Sespe Wilderness. The burned area is centered on Haddock Campground, at the north edge of the Sespe watershed. There are more than 400 firefighters engaged, as well as aerial support from air tankers and helicopters. More at:

[inciweb.nwcg.gov/incident/4830](http://inciweb.nwcg.gov/incident/4830)

## **LOS PADRES OFFICE CLOSURES**

Our last newsletter stated that Los Padres Forest is planning to close one or more District Ranger Stations across the forest. We contacted our Ca. legislators in D.C. on this matter, and they reiterated our concerns to forest administrators.

Los Padres Forest continues looking at office closures in an attempt to manage 25-33% budget shortfalls, due to major firefighting expenses that do not get reimbursed from D.C. Los Padres Forest now says they will not close offices without public input. First we must continue to support Sen. Feinstein's efforts to see firefighting paid for by FEMA, as are all other natural disasters.