

September 20, 2006

Senator Dianne Feinstein
11111 Santa Monica Boulevard, Suite 915
Los Angeles, CA 90025

Senator Barbara Boxer
312 North Spring Street, Suite 1748
Los Angeles, CA 90012

Re: The Los Padres National Forest Land Exchange Act of 2005 (HR 4162)

Dear Senator Feinstein and Senator Boxer:

On June 13, 2006, the U.S. House of Representatives passed a bill (H.R. 4162) by Rep. Elton Gallegly (R-CA) requiring the U.S. Forest Service to give away several parcels of land around Lake Piru, on the southeastern edge of the Los Padres National Forest at the Ventura/Los Angeles county line. This area is the only accessible portion of the forest near the Los Angeles metropolitan area and serves the needs of people who enjoy hiking, backpacking, kayaking, fishing, and hunting.

Under the bill, the federal government would give away 440 acres of public lands in the Los Padres National Forest to the United Water Conservation District (“United Water”). Lands given away include the Blue Point Campground, a stretch of Piru Creek, several parcels of land along the lake’s shoreline, and all of the remaining publicly owned portions of the access road around the lake’s perimeter. In exchange, United Water would convey 340 acres of land to the U.S. Forest Service. This land is currently owned by United Water and used for livestock grazing.

The bill is now pending before the Senate Committee on Energy and Natural Resources. Similar legislation was first introduced in 2002, but failed on two separate occasions. At this time, the undersigned conservation organizations and individuals urge you and your colleagues to not let this bill become law, for the following reasons:

1. The bill limits the public’s ability to provide input and to make changes to the land exchange.

The proponents of the bill did not notify any of the undersigned organizations about the pendency of the legislation until it had already passed the House. We have concerns about the bill as currently written, and believe that there will be little, if any, ability for the public to make changes to this proposal once the legislation passes.

The bill forces the Forest Service to trade *specific* parcels of land identified in the bill, in exchange for other *specific* parcels of land, also identified in the bill. This leaves very little room for any changes based on public comments or on the agency’s environmental review process. Subsection (d) of the bill allows changes to be made after the bill passes, but

only “minor” changes can be made, and only with the permission of United Water. Specifically, subsection (d) states:

(d) MAPS AND CORRECTIONS AUTHORITY. The lands to be exchanged under this section are depicted on maps entitled "Los Padres National Forest Land Exchange" and dated June 1, 2005.... By *mutual agreement*, the Secretary and the District may adjust the legal descriptions specified in subsections (b) and (c) and the boundaries depicted on the maps based upon survey or a determination that a modification would be in the public interest to correct errors or make *minor adjustments* in the lands to be exchanged under this section.

(emphasis added). This provision does not allow any changes except those needed to “correct errors” or to “make minor adjustments,” and only if United Water agrees to these changes. If the environmental analysis concludes that *major* adjustments are needed, this bill would prevent those adjustments from ever taking place. Even if the environmental analysis concludes that only *minor* adjustments are needed, and United Water does not agree to incorporate those changes, then the bill would prevent those adjustments from taking place, too.

2. The land exchange is not an even trade.

The bill would give United Water a prime piece of real estate along the shoreline of Lake Piru, land worth far more than what the Forest Service is getting in return. The bill would also give United Water a campground, two trailheads, an access road, and a mile-long stretch of valuable property along Piru Creek.

The land gained by the Forest Service would be added to an existing grazing allotment on the Los Padres National Forest and leased to a private rancher for cattle grazing. Exchanging lakefront property and a popular campground for a dry upland cattle pasture does not benefit the American public.

3. The bill gives United Water special treatment at the expense of our public lands and the environment.

Land exchanges are usually done administratively, with several opportunities for public input from many different groups to ensure that the needs of forest users are balanced with the need to preserve natural resources. However, land exchanges like this one – orchestrated behind closed doors through the legislative process – provide little or no opportunity for the public to supply important information or comments. United Water has conducted several closed-door sessions with federal officials, but the public has been shut out of these talks. In fact, the undersigned organizations were not even made aware of the bill until they stumbled upon a newspaper article *after* the bill had already passed the House.

Volunteers are restoring the hiking trails near the Blue Point Campground, and have proposed a number of alternatives to the Forest Service that would allow greater public access to the area while protecting the natural resources. These proposals have been refused because of this legislation.

4. The bill would relinquish federal control of the area and result in less oversight and protection for endangered animals in the area.

Federal biologists have classified Piru Creek as an “Area of High Ecological Significance” because it provides valuable habitat for a number of rare or at-risk animals, such as the endangered arroyo toad and the southwestern pond turtle. The creek also provides federally protected critical habitat for the threatened California red-legged frog, and provides nesting habitat for the endangered least Bell’s vireo. These imperiled animals will receive more protection and public oversight if the lands along Piru Creek and Canton Creek remain under federal jurisdiction. The U.S. Forest Service is the agency best suited to handle the special management concerns of this ecologically sensitive area. Federal agencies are both mandated and budgeted to monitor and improve conditions for imperiled species on a continuing basis, while agencies such as United Water incur those requirements only as possible conditions should they seek to alter habitat.

Piru Creek was *recently found eligible for protection under the Wild & Scenic River Act*. Giving away this stretch of river will make it more difficult to secure protection under the Wild & Scenic Rivers Act.

The bill may also affect federal oversight of the Santa Felicia Dam at Lake Piru, as the bill gives United Water full control of all lands inundated by the lake. The Federal Energy Regulatory Commission (“FERC”) has jurisdiction over the dam and has issued a license to United Water to operate the dam. This license expired in 2004, and FERC is currently preparing to issue a new license, expected later this year. As part of this licensing process, the Forest Service may impose any conditions necessary to protect wildlife and recreation. The Forest Service has this authority by virtue of the fact that it currently owns some of the lands inundated by Lake Piru. In January 2006, the Forest Service submitted a list of twenty conditions to incorporate into United Water’s new license. These conditions are mandatory, but the bill – by stripping federal ownership of lands inundated by Lake Piru – would render these conditions optional. Giving away lake ownership to United Water could also complicate ongoing efforts to provide for endangered southern steelhead trout passage at the Santa Felicia Dam. We would like to see this relicensing process completed before there is any consideration of a land exchange.

For these reasons, we urge you to not allow this bill to move forward in the Senate at this time. We want to make it clear that the undersigned organizations are not opposed to *any* land exchange. Rather, we want to ensure that if a land exchange does occur, that it proceeds with agreement by all parties, affords meaningful public participation, and protects the resources of this environmentally significant area. Thank you for your consideration.

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