



of the SAN BERNARDINO AREA

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### **PRESS RELEASE**

#### **For Immediate Release**

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### **LEAGUE OF WOMEN VOTERS OF THE SAN BERNARDINO AREA ANNOUNCES FORMAL POSITION ON PROPOSED NESTLÉ WATERS NORTH AMERICA INC. SPECIAL USE PERMIT SAN BERNARDINO NATIONAL FOREST PROJECT PROPOSAL #7285 (PERMIT) FOR CONTINUED WATER EXTRACTION SYSTEM IN THE SAN BERNARDINO NATIONAL FOREST**

#### Background

The League of Women Voters of the San Bernardino Area established a committee in 2016 to study the issue of an expired Special Use Permit that continues to authorize the operation of a private water collection system located in the San Bernardino National Forest that allows Nestlé Waters North America (Nestlé or Nwana) to collect spring water on a year-round basis from Strawberry Creek that infiltrates into collection tunnels or horizontal wells and is transported through 4.5 miles of 4" steel water transmission pipes located on National Forest Service lands to storage tanks located on private land. From 1947-2015, a total of 4,247,454,000 gallons of spring water has been transported from these storage tanks by truck to be bottled and sold as Arrowhead Mountain Spring Water. Special Use Permits from the Forest Service for this system date back to 1929 when the quantity of spring water extracted was not recorded.

A new 5-year Nestlé Waters North America Inc. Special Use Permit San Bernardino National Forest Project Proposal #7285 (permit) was proposed on March 18, 2016 by the San Bernardino National Forest Supervisor who has the authority to decide whether to issue the new permit, and if so, the terms and conditions to be included.

To study this issue, the committee asked specific questions about the expired and the proposed permit to the San Bernardino National Forest Supervisor, Nestlé Waters of North America Senior Sustainability Manager, the State Water Resources Control Board Division of Water Rights and a retired San Bernardino National Forest biologist.

The committee then prepared testimony from the responses provided by the parties listed above, as well as official documents, and presented it to the public at an Informational Hearing on Sunday, January 29, 2017 at the Twin Peaks Community/Senior Center.

### Formal Position of the League of Women Voters of the San Bernardino Area

At a joint meeting of the membership and the Board of Directors on March 11, 2017, the findings of the committee were presented and discussed. After additional amendments, the Board of Directors adopted a formal position on Nestlé Waters North America Inc. Special Use Permit San Bernardino National Forest Project Proposal #7285.

- 1) The National Forest Service is responsible for the stewardship of the San Bernardino National Forest's natural resources. Responsible stewardship includes careful weighing of available options. If the Forest Service determines that the best stewardship includes permitting a private company to extract water from national forest land, that extraction should be monitored to ensure that no permanent harm is caused to the forest or to the citizens who rely upon its resources. The focus should be on the public good, both now and in the future.

*Basis for position: The League of Women Voters US supports water management policies that promote stewardship of natural resources.*

- 2) If the proposed permit is issued, the League of Women Voters of the San Bernardino Area (League) SUPPORTS the San Bernardino National Forest designing, implementing and managing an Adaptive Management Plan that ensures water extraction will be consistent with San Bernardino National Forest Land Management Plan (LMP) standards. As the entity responsible to the public for the management of the National Forest, the National Forest Service must design and implement the plan and must monitor the results and make those results available to the public. Furthermore, the League SUPPORTS that Nestlé Waters North America Inc., as the sole beneficiary of the spring water exported from the San Bernardino National Forest, pay the full costs of the Adaptive Management Plan in addition to the permit fees.

Note: The proposed permit is silent on who will design, implement and manage the Adaptive Management Plan and who will pay for it.

*Basis for position: The League of Women Voters US supports water management policies that promote stewardship of natural resources and supports that beneficiaries pay the cost for water projects.*

- 3) If the proposed permit is issued, the League of Women Voters of the San Bernardino Area SUPPORTS an Adaptive Management Plan that also monitors the quantity of water extraction on a year-round basis and the effect upon the affected headwater environment under real-time climate variations. Furthermore, the League SUPPORTS that Nestlé Waters North America Inc., as the sole beneficiary of the spring water exported from the San Bernardino National Forest, pay the full costs of mitigating any environmental impacts in addition to the permit fees.

Note: The proposed permit is silent on the quantity of water that Nestlé can extract on a year-round basis.

*Basis for position: The League of Women Voters US supports water management policies that promote stewardship of natural resources.*

- 4) If the proposed permit is issued, the League of Women Voters of the San Bernardino Area SUPPORTS an Adaptive Management Plan that monitors the extent that continued water extraction impacts well levels of adjacent property owners in times of drought that are predicted 8 out of every 10 years in the 21<sup>st</sup> century. Furthermore, the League SUPPORTS that Nestlé Waters North America Inc., as the sole beneficiary of the spring water exported from the San Bernardino National Forest, pay the full costs of mitigating any well level impacts to adjacent property owners in times of drought in addition to the permit fees.

Note: The proposed permit is silent on this issue.

*Basis for position: The League of Women Voters of the San Bernardino Area supports water management measures that are aimed at maintaining a reliable supply of safe water to meet the needs of the San Bernardino area.*

- 5) If the proposed permit is issued, the League of Women Voters of the San Bernardino Area OPPOSES studying comparison sites in adjacent unmanaged drainages to determine what conditions would exist in Strawberry Creek without water extraction in the upper watershed (typically referred to as a “paired basin” study).

Note: The Southern California Native Freshwater Fauna Group points out the proposed permit should be modified, under the Adaptive Management Plan, to study and create a more natural stream flow in Strawberry Creek.

*Basis for position: The League of Women Voters US supports water management policies that promote stewardship of natural resources. The public has a right to know about proposed resource management policies and options.*

- 6) If the proposed permit is issued, the League of Women Voters of the San Bernardino Area SUPPORTS an annual permit fee for Nestlé Waters North America Inc. that is commensurate with value of the water bottled and sold.

Note: The proposed permit is silent on this issue.

*Basis for position: The League of Women Voters US supports water management policies that promote stewardship of natural resources and supports that beneficiaries pay the cost for water projects.*

- 7) If the proposed permit is issued, the League of Women Voters of the San Bernardino Area SUPPORTS immediate termination of permit operation if Nestlé violates any of the terms.

- 8) While concerned stakeholders await the Forest Plan Amendment decision on the permit, the League of Women Voters of the San Bernardino Area SUPPORTS local activities that raise public awareness of the consequences of continuing to extract water from the headwaters of Strawberry Creek that is bottled and sold.

*Basis for position: The League of Women Voters US believes that public understanding and cooperation are essential to the responsible and responsive management of our nation's natural resources. The public has a right to know about proposed resource management policies and options. Officials should make a special effort to develop readily understandable procedures for public involvement and to ensure that the public has adequate information to participate effectively.*

- 9) The League of Women Voters of the San Bernardino Area SUPPORTS an alternative to the proposed Nestlé Waters North America Inc. Special Use Permit in San Bernardino National Forest that removes groundwater at the bottom of the watershed with horizontal wells as currently is practiced in the headwaters of the watershed.

Note: The Southern California Native Freshwater Fauna Group points out that there are numerous sites furthest downstream in National Forest property that should be analyzed that appear to pose no environmental impact, but would be easy to manage and monitor.

*Basis for position: The League of Women Voters US supports consideration of the inherent characteristics and carrying capacities of each area's natural resources and mitigation of adverse impacts.*

- 10) If the San Bernardino National Forest Supervisor proposes issuance of a new, 5-year Nestlé Waters North America Inc. Special Use Permit San Bernardino National Forest Project Proposal #7285 (permit) **that fails to address the positions listed above**, the League of Women Voters of the San Bernardino Area OPPOSES the continued occupancy and use of National Forest Service lands for the extraction and transmission of water using the existing improvements and the continued operation and maintenance of the current system that collects water on a year-round basis that infiltrates under the influence of gravity into collection tunnels or horizontal wells for transportation through 4.5 miles of 4” steel water transmission pipes located on National Forest Service lands to storage tanks on private land where from 1947-2015, a total of 4,247,454,000 gallons of spring water has been transported by truck to bottling facilities.

*Basis for position: The League of Women Voters US supports water management policies that promote stewardship of natural resources.*

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