



## SOFA Awarded League of Women Voters "Citizens of Achievement Award"

Statement from the Award Ceremony:

**T**he Save Our Forest Association led the opposition to extend a Special Use Permit from the San Bernardino National Forest (SBNF) that enabled Nestlé Waters of North America to continue diverting water from Strawberry Creek, which is then sold as Arrowhead Mountain Spring Water. Sadly, the SBNF chose to issue a new Permit.

On behalf of SOFA, Hugh Bialecki, Steve Loe, Gary Earney, Amanda Frye, and Ralph Wagner began monitoring the implementation of an Adaptive Use Plan required by the new Permit to ensure that Nestlé complies with permit requirements. This organization also demanded that a water rights investigation of Nestlé be conducted by the State Water Resources Control Board. That investigation continues, but has already resulted in a draft Water Board decision reducing Nestle's diversion of water an average of 192 acre-feet per year (AFY) to just 26 AFY.

that was illegally diverted. Without SOFA leadership, it is reasonable to assume that the SBNF would have continued to allow Nestlé to divert water under an expired Special Use Permit indefinitely with very few environmental protection measures. The initial whistle-blowers on the expired permit, Steve Loe and Gary Earney are retired from the SBNF; Hugh Bialecki is the President of SOFA, Amanda Frye is an environmental activist and Wagner was an expert in mountain water issues for decades until his death in August 2019.



-- Site map of Church of the Woods

## Church of the Woods Update

**T**he Draft Revised Environmental Impact Report for Church of the Woods was issued in January 2019. SOFA, the Mountains Groups of the Sierra Club, the Audubon Society and several individuals submitted comments. Now the Final Report is about to be released. We are hopeful that the comment period will be longer than 10 days.

According to Tom Nieves, Contract Planner, County of San Bernardino Land Use Services Department, we should expect to see the Final Revised EIR be released in January 2020.

We need you to attend the public hearing or write your comments to Tom Nieves. There are many issues of critical concern for environmentalists: traffic, unavoidable impacts on biological resources, hydrology, evacuation planning, water supply, tree removal, impacts to threatened and sensitive species and more.



L to R: Jody Isenberg, LWV; Gary Earney, USFS Ret.; Lori Semeniuk, SOFA; Amanda Frye, SOFA; Hugh Bialecki, SOFA; Steve Loe, USFS Ret.; Betsy Starbuck, LWV.

This organization and the League of Women Voters of the San Bernardino Area remain parties in a continuing water rights investigation. As a result of these actions, the San Bernardino Valley Municipal Water District is demanding that Nestlé purchase "replenishment water" for the San Bernardino Basin equal to the amount of water

## Blue Jay Hotel Complex Update

The proposed hotel site in Blue Jay is currently sitting idle. To review, Rock Ridge Resources removed trees on the site in November of 2017 under a CALFIRE Conversion Exemption. On April 26, 2018, County Land Use Services sent a Notice of Violation for 160 downed trees and slash piles requiring cleanup in a manner compliant with the County, Lahontan Water District, and CDFW.

Although immediate action was performed, complete remediation of the site was not.



On April 23, 2018, Rock Ridge sent a letter to community stakeholders including Land Use, CDFW, Lahontan Water District, and CLAWA regarding their intention of filing an amended or new application for site development, and on April 30, 2018, Rock Ridge sent a Will Serve Request to CLAWA for water service.

Different iterations of the site plan were presented to local agencies, but on March 18, 2019, CLAWA issued a Will Serve Permit pertinent only to the original site plan presented to the County.

On November 5, 2019, Mr. Jim Morrissey, the Planner with the County, said that they have received a request from the applicant to redraw the application, but County has received nothing yet. Mr. Morrissey was asked about site remediation and referred the issue to Amy Wingert, Chief of Code Enforcement.

## SOFA Members Hike Deep Creek

Recently several SOFA members joined the Sierra Club for a hike to beautiful Deep Creek, surely one of our natural treasures here in the mountains. The landscape surrounding Deep Creek is unique in a southern California context, and its recreation opportunities are valued at the regional and national levels.



-- One of Deep Creek's beautiful pools

Deep Creek supports the greatest diversity of wildlife habitats of any drainage in the San Bernardino National Forest and has earned the State designation of a Wild Trout Stream. It also represents some of the greatest diversity of vegetation communities of any drainage on the national forest.



-- Deep Creek still flowing well in late Fall.

Deep Creek flows from the mixed conifer forests of the San Bernardino Mountains through unique, diverse, and spectacular scenery to the Mojave Desert.

Along the way, the creek carves a rugged canyon, tumbling over granite cliffs and around house-sized boulders, and forming limpid pools lined with willow, alder, and cottonwood.

Take a hike on the wild side, starting at Splinter's Cabin and progressing to Devil's Hole, a splendid day enjoying our National Forest.

## The Fight to Stop Nestlé

By Tom Perkins from *The Guardian*

**T**he network of clear streams comprising California's Strawberry Creek run down the side of a steep, rocky mountain in a national forest two hours east of Los Angeles. Last year Nestlé siphoned 45million gallons of pristine spring water from the creek and bottled it under the Arrowhead Water label.

Though it's on federal land, the Swiss bottled water giant paid the US Forest Service and state practically nothing, and it profited handsomely: Nestlé Waters' 2018 worldwide sales exceeded \$7.8 billion.



Conservationists say some creek beds in the area are now bone dry and once-gushing springs have been reduced to mere trickles. The Forest Service recently determined Nestlé's activities left Strawberry Creek "impaired" while "the current water extraction is drying up surface water resources."

Meanwhile, the state is investigating whether Nestlé is illegally drawing from Strawberry Creek and in 2017 advised it to "immediately cease any unauthorized diversions." Still, a year later, the Forest Service approved a new five-year permit that allows Nestlé to continue using federal land to extract water, a decision critics say defies common sense.

Strawberry Creek is emblematic of the intense, complex water fights playing out around the nation between Nestlé, grassroots opposition, and government officials. At stake is control of the nation's freshwater supply and billions in profits as Nestlé bottles America's water then sells it back in plastic bottles. Those in opposition, such as Amanda Frye, an author and nutritionist, increasingly view Nestlé as a corporate villain motivated by "greed".

"These are people who just want to make money, but they've already dried up the upper Strawberry Creek and they've done a lot of damage," she said. "They're a for-

eign corporation taking our natural resources, which makes it even worse."

Its spending on lobbying and campaign contributions at the federal and state levels totals in the millions annually, the revolving door between the company and government perpetually turns, and it maintains cozy relationships with federal officials from the Forest Service to the Trump administration.

Such tactics are partly what's behind the Forest Service's Strawberry Creek decision to allow Nestlé to pull water from federal land, said Michael O'Heaney, director of the Berkeley-based environmental group Story of Stuff Project, which has sued to stop Nestlé.

"You have Nestlé spouting this idea of shared benefits and 'We're in it for the communities', but when you see the way they operate on the ground – they're very skilled at cozying up with legislators, state officials ... and getting their way," he said.

Nestlé Waters, which owns 51 brands including Ice Mountain, Poland Spring, and Zephyrhills, sees a much different reality. It presents itself as a responsible steward of America's water and an eco-friendly "healthy hydration" company aiming to save the world's freshwater supply.

It calls itself a job creator that invests heavily in local municipalities and says it bottles a minuscule amount of the nation's water. Nestlé resource manager Larry Lawrence insists the company obtained the right to Strawberry Creek's water when it purchased Arrowhead, and says its science backs claims that it draws water "sustainably".

"The argument that there should be some flowing stream bed [in upper Strawberry Creek] – we don't necessarily believe that and that's what we're testing for," Lawrence said.

Ultimately, the debate's particulars lead back to a question at the heart of the issue: should water be commodified and sold by private industry, or is it a basic human right?

Former Nestlé chief executive and chairman Peter Brabeck labeled the latter viewpoint "extreme" and called water a "grocery product" that should "have a market value". He later amended that, arguing 25 liters of water daily is a "human right", but water used to fill a pool or wash a car shouldn't be free. At its current pace, the world will run out of freshwater before oil, Brabeck said, and he suggests privatization is the answer.

While conservationists agree that pool water could be subjected to fees, Nisha Swinton, senior organizer at the Food and Water Watch environmental group, says the public – not a company that "has to appease their stockholders and make money on privatizing water" – should be responsible for that.

"This is not an issue for a multinational corporation to have control over – this is an issue for the public to hang on to and protect as their own," she said.

The Forest Service recently determined Nestlé's activities left California's Strawberry Creek 'impaired' while "the current water extraction is drying up surface water resources."

Last year, Nestlé Waters' North American sales were \$4.5 billion. As sales have grown, so has opposition. From California to Maine, residents and environmentalists are increasingly worried about Nestlé's impact.

At the national level, former agriculture secretary Ann Veneman serves on Nestlé's board, and documents Story of Stuff obtained through a Freedom of Information Act request show the Forest Service chief is closely monitoring Strawberry Creek. Meanwhile, the FDA in 2017 determined Nestlé was partly bottling groundwater – not spring water – in Strawberry Creek. The FDA abruptly reversed its position several months later after a former FDA regulator representing Nestlé went to the company. Nestlé is now fighting a lawsuit that alleges it is selling what is technically groundwater, which is different than spring water, and generally less desirable.

The Forest Service's Strawberry Creek permit decision references a 2017 Trump executive order that seems to speak to the controversy. It requires federal agencies to "ensure that water users' private property rights are not encumbered when they attempt to secure permits to operate on public lands."

Former Forest Service special uses leader Gary Earney administered Nestlé's water permit between 1984 and 2007 and is now one of its most vocal critics. During that time, he witnessed "devastating" Forest Service budget cuts that made it impossible to monitor Nestlé's activities or properly manage the forest, but Nestlé was there to help – it set up a nonprofit to solicit money for projects. Former San Bernardino national forest supervisor Gene Zimmerman, who left the agency in 2006 to work as a contractor for Nestlé, admits the company funded government projects in a 2015 video promoting Nestlé. Earney said he was once questioned by the FBI over possible corruption after it received a complaint about Nestlé pulling water for only a \$500 permit fee. Nestlé capitalized on a financially weakened Forest Service, Earney said, but he doesn't believe it rose to the level of corruption: "There's no doubt that Nestlé had an informal quid pro quo arrangement with the Forest Service – by that I mean most likely unspoken."

Nestlé spokesperson Alix Dunn defended the activities. She said it's important for elected officials "to hear all perspectives when considering complex public policy issues" and added that the company's generosity was being misrepresented: "Our employees have been empowered to be, and will continue to be, active contributors in the improvement of their local communities."

Part way up a brush-covered Strawberry Creek mountain is an area Lawrence calls "the meadow" that

holds Nestlé wells. A seven-mile system of 4 inch pipe carries water from it to tanker trucks at the mountain's base. Lawrence notes the meadow is a green, lush area that bears use as a water source, and the sound of the flowing stream is drowned out by buzzing from mosquitoes - a sign of a healthy ecosystem. But further up the mountain, the brush is more brown. There are few mosquitoes, insects, amphibians, or other wildlife. Earney sees an ecosystem that "should be much more lush". Where Nestlé sees a healthy environment, conservationists see one struggling.



--Trickle of water from Strawberry Creek

In Strawberry Creek, the Forest Service is requiring a three-year study of Nestlé's impact on the watershed as part of the terms of the five-year permit it issued. "Accusations are simple. Science is tough. We're doing the science," Lawrence said.

However, Nestlé is conducting the study, which won't be made public. That worries conservationists, partly because it has a history of skewing results in its favor. An independent scientist Nestlé hired was caught fabricating data during a 2003 Michigan trial, prompting the judge to issue a scathing opinion labeling him a "company man".

It's likely the Strawberry Creek fight will be settled on that law, though Earney noted that an administration change in 2020 could push the Forest Service in a different direction. Regardless, he said, "it will be a political decision or a technically correct decision."

"[The state] may fold because of political pressure from Nestlé, or they'll recognize that Nestlé doesn't have a right to water that they're taking and do the right thing," he said.

*Editor's Note : Nestle Waters has siphoned an average of 60 million gallons of ground water (not spring water) per year for over 30 years without a valid permit from the US Forest Service. A new 5- year permit was recently issued.*

## Important Notice

Pledge your annual membership NOW and continue your support. Do it today! The Save Our Forest Association is your organization. To remain effective, SOFA must be ever vigilant in all efforts to protect the mountain quality of life in the San Bernardino Mountains. SOFA's success is directly related to the ongoing support of each member. Your participation counts. Whether it is your dues, your time, your networking or a combination of all these efforts, you do make a difference for today, for the future of the mountain environment, and for future generations.

Please take the time right now to complete the renewal form below and return it along with your membership contribution. The future of this fragile forest environment depends on your commitment. THANK YOU. We hope to see you soon. SOFA is an IRC 501 (c) (3) non-profit organization. All contributions are tax deductible to the full extent of the law.

### RENEWAL

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

Phone or Fax: \_\_\_\_\_

Area of expertise or interest: \_\_\_\_\_

Contribution:    \$25 - General    \$100 – Tree Hugger    \$300 – Eco-Warrior  
(Check One)    \$1000 - Adopting Hwy 18    \$500 – Forest Savior    \$ \_\_\_\_ Other

**Please make check payable to SOFA and mail to:    Save Our Forest Association, Inc.  
P.O. Box 126, Rim Forest, CA 92378**



The intrepid SOFA Adopt-a-Highway crew collecting trash from Highway 18. We have gained some new volunteers as a result of our visibility during the clean-up mornings and subsequent phone calls complimenting our work. Should you wish to contribute to a cleaner Scenic Highway 18, please call 909-337-0705 to leave your name and contact information.

Our volunteers can be found on Friday mornings from 9am to 11am once every quarter. Weather permitting, we will have an early winter clean up with a date to be announced at our SOFA Holiday Party.

*PLEASE JOIN US FOR THE*

**SOFA HOLIDAY PARTY**

Saturday, December 14th, **6:00 pm.**  
At the Mountains Community Senior Center  
675 Grandview Road, Twin Peaks  
Potluck: Bring a favorite dish to share, SOFA will provide beverages

There will be both a silent and live auction of great gifts for the holidays  
As well as live Christmas music by "Grits & Grady" and friends.  
For more information call Hugh Bialecki at 909-337-0705



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