

Fellow Democrats,

The US Forest Service granted a 3 year permit in June of 2018 to allow Nestle Waters to continue pumping water, with 2 additional one year provisions to conduct hydrologic & riparian area studies. The purpose of these studies, the Adaptive Management Plan, is to determine the amount of available water that can be extracted without negatively impacting the local flora & fauna. That is to say, the amount which continues to be extracted simultaneously while Strawberry Creek is running above ground. In other words, that which is extracted is considered to be in excess, & therefore available water for extraction. We are now in year 3 of the permit, & Strawberry Creek is completely dry all the way downslope where it meets lower Waterman Canyon Road. There is no excess water. And the gravity feed pipeline is still operational 24/7.

In the meantime, Nestle sold the operation to an investment group, One Rock Capital Partners, in Feb of this year. They named their newly acquired business Blue Triton.

While all of this has been ongoing, the State Water Resources Control Board, SWRCB, initiated an investigation in June, 2016 after receiving complaints filed by the local citizenry, over 4000, urging the SWRCB to do something about the extraction during that period of severe drought. The outcome of this investigation resulted in the decision to issue a draft Cease & Desist Order on Feb 23, 2021 to Nestle & Blue Triton, giving them 20 days to request a hearing. Blue Triton submitted a hearing request on the 11th of this month to the SWRCB Administrative Hearing Office.

It is imperative again at this time that the public again step up & state their opposition in a written statement telling the SWRCB & the Forest Service to revoke the permit, & enforce the CDO. The deadline for public comment closes June 4th, in a few days. It doesn't need to be long, just a few sentences (or 1 stating your opposition) that you want the operation shut down. A few talking points are listed below along with the names & email addresses of who to send to.

- The state has jurisdiction over all water resources within its boundaries.
- Extraction is occurring on National Forest land under the jurisdiction of the National Forest Service.
- In 1893, the San Bernardino National Forest was established. All private property owners within the boundaries of the new SBNF were given a designated time to apply for water rights in perpetuity.
- There was no application submitted for the location of the current extraction site.
- Nestle has been claiming water rights going back to 1978. Lack of water flow was documented by a USNF ranger in 1982.
- When Nestle sold to the investment group, the business name changed to Blue Triton. The new owner possesses the infrastructure, but the water rights do not transfer when there is a change in the business name.
- Strawberry Creek, when flowing without the extraction of water, seeps down & ultimately recharges the aquifer under the San Bernardino inland valley area. It is the source of the water supply for 700,000 people in the valley. The local water board has filed a lawsuit demanding compensation for their reduced water supply.

- If you wish to contact the Front Country District Ranger, Joseph Richsteiner, who has responsibility for managing this portion of National Forest land send to:< jrichsteiner@fs.fed.us> It's part of his job description to uphold the CDO decision since the state controls the water resources. If you do send to him, definitely cc Victor Vasquez at the SWRCB as that's where the hearing will take place.
- Water is a natural resource, a precious commodity during this time of a predicted elongated drought spell, & should not be bought or sold for private corporate gain.

Please do not hesitate to tap out a statement, however short or long, of opposition to be entered into the record by the SWRCB Administrative Hearing Office, before next Fri, June 4.

Send to Victor Vasquez <victor.vasquez@waterboards.ca.gov> Your input can make a difference. Also, share this with family & friends. The more public comments the better. We have an opening this time to maybe put this issue behind us. The CDO specifies that they are limited to a 7.26 acre feet draw this year, which certainly has already been exceeded! The FS needs to step up & do their job. Protect our Forest! It belongs to all of us!

Thanks in advance for your attention to this issue.

Mickey Laws

President, Mountain Bears Democratic Club