

# Mountain News

50¢ 104th Year, No. 20

Serving Lake Arrowhead & surrounding communities

August 8, 2024

## US Forest Service Denies BlueTriton's Water Permit

BY ANGELA YAP

In a landmark decision affecting natural resource management, the United States Forest Service (USFS) has denied Arrowhead Water Bottlers owner, BlueTriton Brands, Inc.'s application for the use and occupancy of lands and resources in the San Bernardino National Forest (SBNF). The decision, outlined in a letter from Michael Front Country District Ranger to Louis Mixon, III, Senior Natural Resource Manager, BlueTriton Brands, Inc. dated July 26, 2024, terminates BlueTriton's existing permit and mandates the immediate cessation of their operations within the forest.

The denial follows an exhaustive review process and numerous unfulfilled requests for critical information from BlueTriton over multiple permit terms. The Forest Service concluded that BlueTriton consistently failed to provide essential details regarding the use of water extracted from SBNF lands, necessary to ensure compliance with both the existing permit and the application for a new one.

"So grateful that the San Bernardino National Forest administration did not renew the pipeline permit that allowed the unauthorized diversions of Strawberry Creek spring water by Arrowhead Water Bottlers (private equity BlueTriton Brands Inc. formerly Nestle)," said water rights researcher Amanda Frye, "A big thank you to everyone for their help and support over the last decade. We did it together."

President of Save Our Forest Association (SOFA) Dr. Hugh Bialecki shared, "Amazing news! The Special Use Permit has been denied and BlueTriton must



PERMIT/A5 Hugh Bialecki President - Save Our Forest Association

### PERMIT

Continued from page A1

cease operations in Strawberry Canyon immediately." Bialecki, and many others have spent over a decade in working to stop the illegal water diversions and planning for the restoration of Strawberry Creek.

The denial decision is based on several key points:

BlueTriton's application was deemed insufficient in demonstrating compliance with the Forest Land Management Plan standards, specifically standards 45 and 46. These standards necessitate practices that minimize adverse effects on groundwater aquifers and ensure that surface water diversions and groundwater extractions are only authorized when it is proven that the water extracted exceeds the needs of forest resources.

A significant issue cited was BlueTriton's refusal to provide adequate information about the uses of the waters taken from the SBNF, necessary to ensure compliance with California law regarding water rights and uses. Compliance with state law is a prerequisite for the issuance of any special use permit.

The Forest Service discovered that the majority of water diverted by BlueTriton (8-9 million gallons per month) was delivered to the Arrowhead Springs Hotel property for undisclosed purposes, rather than for bottling as specified in the permit. This change in the use of water was a violation of the current permit and grounds for its termination.

With the termination of BlueTriton's permit, the company is required to undertake several immediate actions to ensure compliance:

**Cessation of Water Conveyance:** BlueTriton



Amanda Frye

must halt the use of their pipeline for water conveyance in Strawberry Canyon within seven days and confirm the cessation with photographic documentation.

**Removal of Equipment Locks:** BlueTriton must remove locks from all equipment on SBNF land or provide the USFS with copies of all keys within two weeks.

**Infrastructure Removal Plan:** BlueTriton is required to submit a plan within twelve weeks for the removal of all infrastructure installed after 1974, including stainless steel pipes, valves, electronic equipment, and hydropower equipment. The USFS emphasizes that BlueTriton must not perform any infrastructure removal until the plan is approved.

The decision to deny BlueTriton's application is final and not subject to administrative appeal, as per federal regulations and the terms of the prior permit.

For further information, BlueTriton and concerned parties are directed to contact the permit administrator, David Anderson.

This decisive action by the USFS underscores the critical importance of transparency, adherence to environmental standards, and compliance with legal requirements in the management of public lands and natural resources.

The persistent efforts by the USFS Biologist, Steve Loe (ret), Amanda Frye, citizen activist and water researcher, the Save Our Forest Association, the Story of Stuff, the San Bernardino Mountain Group of the Sierra Club, and many, many supporters have borne fruit with this landmark decision. The facts have been proven and the USFS has acted appropriately.