

**THE DESTRUCTIVE FAILURE
OF CREEK RESTORATION
IN NIPOMO CREEK
NIPOMO, CALIFORNIA**



ONE MAN'S OPINION

An Investigative Report

**The Devolution of Creek and Oak Habitat in
Southern San Luis County**

By

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1.0 INTRODUCTION

This document is a study of Nipomo Creek and Haystack Creek identifying a serious failure to oversee the activities of "Responsible Agencies" when in the implementation of commendable goals to protect the environment, where a follow up inspection to insure the integrity of the work or realistic maintenance was not provided. The influx of plastics into our watersheds has been a "sleeper" pollutant in decades past. Since 2001 Nipomo Creek has become a "poster child" for this type of pollution. In the ensuing years plastics, sometimes in masses the size of compact cars, have been traced from their source to Nipomo Creek's confluence with the Santa Maria River and downstream to the Pacific Ocean. With the discovery a few years ago of the plastic "Garbage Patch" (the size of Texas) in the Northern Pacific Gyra this form of pollution should be addressed sooner rather than later. In this photo-documented investigation report I will discuss the latest assault by this type of pollution on the Nipomo Creek watershed. I will act as your feet on the ground to determine its source as emplaced by an ecological "Responsible Agency". In a "Creek Walk" I will discuss the downstream ramifications on a significant length of the main stem of Nipomo Creek and point out the elements of the destructive hydro modification that has occurred. I will also address the specter of liability not only resulting from creek restoration efforts but also in the deficient maintenance in the Preserve "Park" where public safety and fire hazards are concerned. Further, we will examine postoperative attitudes of the Responsible Agencies representatives and a few corollary issues.

2.0 BACKGROUND

As a local citizen of the Central Coast of California, I come before you, the grantor agencies, by this document to advise you that all is not well in the implementation of the assets you are entrusted to control. This document, "The Destructive Failure of Creek Restoration in Nipomo Creek", I hope will bring into acute clarity the danger of falling into a "Comfort Zone" where "Responsible Agencies" forgo any form of independent mechanisms for investigative inquiry to ensure proper accountability regarding the overall programs under their care. It is apparent that there is an important influx of capital involved with creek or land restoration. I quote the Land Conservancy newsletter: "The contractual work performed by restoration programs also provides a significant financial stimulus to this organization". This being the case, these restoration efforts should be conducted in a conscientious manner and there should be a realistic component of maintenance inherent in the restoration budget as long as a responsible agency retains ownership of the property. If a picture is worth 1,000 words this photo documentation should speak volumes about the need to be vigilant in your funding. I would hope that this documented travesty that has befallen the environment of Nipomo Creek and Haystack Creek would serve to assist you in the implementation of your mandated goals and the prudent dispersion of your funding.

My relationship with the unique watershed of Nipomo Creek began when I was 10 years old, 50 years ago. I was nurtured in my youth hunting agates in the Nipomo Creek watershed and learned to love what was once a vibrant stream of life. Now, after ½ century of "Field" experience, I have gained a historical knowledge of this particular watershed in drought, flood and equilibrium that few others possess. I have watched with great sadness the devolution that has occurred and the disappearance of life due to human impact. In the last decade a virulent influx of plastic solid waste has had a dramatic negative affect on the health and well being of the community of both man and nature. In this investigative report I will bring into the light of day the most recent onslaught on the ecological "Responsible Agency". This report will afford you feet on the ground reality as to their failed attempt at restoration, lead you down an undeniable stream of destruction and explore the post operative attitudes of their local representatives.

In speaking with local representatives of the responsible agency my concerns were passed off as a lack of understanding of the "Big Picture". I am not adverse to the broadened horizon of Nipomo Creek's ecological future. I do disagree with the deviated and constricting frame of impropriety

implemented by people who use the buzzwords "Big Picture" to obscure true forward vision.

What I have decided to do in this documentary is to reproduce a "Creek Walk" taken by Mr. Richard Chandler, the engineering geologist for the California State Water Quality Board. This gentleman was able, but more importantly willing to take the time, putting contentious rhetoric on the shelf, to observe truthful reality for himself. At the end of a 1-mile "trek" in Eco-actuality he said, "You have really opened my eyes!" That in a broad sense is what I hope to do here for all the grantor agencies. The information in this document has the affect of placing the "Responsible Agency" in control of the property in a bad light and emphasizes the need for diligence in the dispersion of funds. When all is said and done and all the inevitable maneuvering ceases how a "Responsible Agency" reacts to the irresponsible actions of its agents will define the reputation of that agency. It is a constant of human nature that when you reward bad behavior, it will only embolden and exacerbate future bad behavior.

We will begin our "Creek Walk" as did Mr. Richard Chandler at the Land Conservancy Preserve Park. The painting at the entrance (Figure 1.) is a vision of soft colors melded together with the spirit of shadows that tends to draw the heart of the Nipomo's Old Town Community up a stream of the creators realm. The projected vision and reality are two different things. This was my perception on dedication day when I donated approximately 20 fairly mature oak trees to the Land Conservancy representatives in "charge" of the Nipomo Creek project.



Figure 1. Entrance to Old Town Nipomo Creek Preserve

As an Honorary lifetime member of the Orcutt Mineral Society I felt compelled to contribute to this noble endeavor in the name of the Society (established in 1958) whose members have appreciated collecting gemstone materials in Nipomo for generations. I along with the president of the Society, who was also present, asked only that a small plaque of appreciation be affixed to the entrance sign to document our nonprofit society's symbiotic participation with the Land Conservancy. It was a beautiful day of hope that this humble park would serve the citizens, especially the children of "Old Town" as a Window to instill the appreciation of nature into their hearts and minds. Today the "Park" languishes virtually untended as can be seen in the first two images of the park (Figures 2 & 3). Massive

overgrown Coyote Brush obscures the view from the perimeter and makes safe use by the public untenable. With its paths and resting places being obscured by the overwhelming brush the lack of attention has created a haven for drug use. On a number of occasions I have found glass methamphetamine pipes, "bongs" created out of beer bottles and toilet paper rolls, tin foil paraphernalia, liquor bottles, cigarette butts and spent matches discarded along its maze of paths and resting places.



Figure 2. Overgrown Coyote Brush

The path entrance to the creek has been purposely blocked with large piles of dried brush as can be seen in Figures 5 through 7. This questionable act adds an extreme fire hazard to an already tinder dry area covered by dry wood chips during a drought season already fraught with many fires. Fire officials have said that conditions this year "are the worst in memory". Coyote brush is an integral part of the chaparral, a fire oriented Biome. When this type of brush reaches a certain age of maturity it becomes woody and the undergrowth and upper stems die out (Figure 3.) creating tinder of extreme fuel load with a low flash point. This is the exact condition that exists in much of the Preserve Park. To ignore this reality leads me to believe that the "Professionals" and "Experts" are only connected by abstract academic theory with chaparral fires. All the book learning available does not hold a candle to experiencing the tornado like fire storms as I have seen dispersing embers for 50 yards in every direction. My hands-on education and therefore my concern have been seared into my being. This area is one careless cigarette or match from a stoned drug user away from a flameout that would incinerate all of the work done by the Responsible Agency and is only yards away from a set of commercial outlets (Figure 7.).



Figure 3. Mature Coyote Brush

At this stage of maturity Coyote Brush dies back setting the natural stage for fires.



Figure 4. The massive fuel load of Coyote Brush dwarfs the man in the lower right.



Figure 5. Dried Brush Blocking Paths to Nipomo Creek



Figure 6. Dried Brush Pile Blocking Paths to Haystack Creek



Figure 7. Fire Hazard in Volatile Area of the Preserve. (Note close proximity to commercial buildings)

Some of the native trees and plants that were purchased and planted and never watered have now died or are dying and are being shaded out or root strangled by the over bearing roots of the Coyote Brush. What you will see in my opinion while reviewing "Destructive Failure" is a lack of cohesive understanding of nature's law driven by the dismissal of common sense. One of the pillars of the purported "Big Picture" in creating the preserve, as supported by the "Nipomo Old Town Committee", was education and appreciation of nature for the citizens of Old Town, especially the youth of the community. This commitment seems to be all but forgotten in an air of selective memory. The abandonment of educational purpose, in my mind, raises my concern for the constricting frame of impropriety of the broad horizon for the future of ecological awareness in the local community of Nipomo.

We will now drop into Haystack Creek, a tributary of Nipomo Creek, as did Mr. Chandler from the north end of the Land Conservancy Preserve Park just before its confluence with Nipomo Creek. It was in the creek channel area that 10' diameter hemp and Black Plastic webbed "Biologs" (AKA waddles in laymen's terms) were emplaced by "professional creek restoration experts" working under the umbrella of the Land Conservancy. If this agendized error was meant to restore bank integrity or retard erosion degradation of the environment it actually was a "**Destructive Failure**". This investigative report will document not only the damage caused on the project property but also the destructive impact on creek and oak habitat that stretches down stream on other properties for approximately 1/2 mile.

In the Figure 8, what you will see is a black plastic webbed "Biolog" in place on Haystack Creek (the only one of untold numbers that is left).



Figure 8. Black Plastic Webbed Biolog In place In Haystack Creek

Figure 9 shows the remnants of 10" hemp "Biologs" that were placed the full length of lower Haystack Creek. These waddles are used for water flow control but become counter productive should that flow override their mass. When Mr. Chandler saw these and others in Nipomo Creek, he said, "What are these doing in a creek channel"? "Who put these here?" Where a channel flow overrides a solid object whether it is a large stationary rock or an elongated section of 10" waddles pinned to the creek basement, the downward "fall" accelerates erosion "scour" geometrically. The downward accelerated turbulence working off the solid stationary objects erodes the less stable sand gravel and soil at the base of the channel banks. The accelerated churning effect undercuts the consolidated channel bank formation held stable by plant roots. Once this penetration reaches a certain point there is a collapse and in short order because of the basal penetration, the banks integrity is lost and a major collapse ensues. This in turn affords lateral scour to affect bank degradation as well.



Figure 9. 10 Inch Hemp Waddle remnant in Haystack Creek

The next 2 creek images (Figures 10 & 11) show a "Creek Dog" pulling up the black plastic netting that once surrounded a "Biolog" as set in place by "creek restoration experts" in untold numbers in Haystack and Nipomo Creeks. When I first respectfully confronted the representatives from the Land Conservancy in charge of Nipomo Creek with this deplorable reality they vehemently claimed no responsibility. When asked if I could present my case to the Board of Trustees of their responsible agency one representative told me that he was absolutely sure the Board of Trustees had no interest in hearing anything I had to say or in viewing any of my photographic documentation. During that period of discussion the other representative sat mute not offering any input. Soon after this meeting I learned that the representative who sat mute was a member of the decision-making organ (Board of Trustees). I realized at this point the community of both man and of nature would not receive a "fair shake" as long as these representatives held sway in the matter of Nipomo Creek. Having my truthful concerns spurned in such a manner compelled me to initiate the production of "Destructive Failure". I believe this photo-documentation will speak louder than their words.

I would like to explore the postoperative attitude of the local representatives. Having the knowledge of the untold numbers of "Biologs" placed in the creek channel, was there ever a follow up inspection concerning the integrity of the work by the local representatives? There would be no way any person could have done so without noticing that all but a few Biologs were missing. Basic logic would beg the question: Where did they go? It would have been impossible for any sighted person not to be able to follow the masses of black plastic tarps and Biologs from their project area downstream tangled on every conceivable snag and/or protruding rock from the creek channel basement. There are only three possible scenarios I see in this situation: 1. There was no postoperative inspection. 2. There was a postoperative inspection and the destructive failure of the project was concealed from the main body of the "Responsible Agency". 3. The main body of the Responsible Agency was made aware of the situation and chose to ignore the problem. No matter which scenario might be accurate only one conclusion can be reached. Both the implementation of the funding and the postoperative attitudes were irresponsible. This set of questions leads to one final question: If there is some form of accountability existent in the granting process was there an accurate documentation provided the grantor agencies as to the true nature of the failure of the creek restoration project and/or the destructive hydro modification on the down stream environment?



Figure 10. Creek Dog Lifting Black Plastic Webbed Biolog in Nipomo Creek



Figure 11. Creek Dog Holding Black Plastic Webbed Netting (Biolog)

In the last of this set of images (Figure 12) you will see a view down Nipomo Creek with a four-legged "Creek Dog". From the lower right corner extending to a young "V" stemmed willow a remnant section of 10" hemp waddle can be seen. Here again a constant of nature prevailed in the face of agendized error and accelerated scour has caused creek bank degradation. Now channel flow has a 90-degree wall to churn against and it will erode under the consolidated formation's root bound zone and extend the cut bank down stream with every storm surge.



Figure 12. View Downstream Nipomo Creek Showing Bank Degradation

Although the damage in the preserve itself was noticeable it paled in comparison to that done downstream as a result of the emplacement of massive numbers of "Biologs" that hung up on every conceivable snag and created massive debris jams on properties below. We will visit only one. If I were to make a full documentation of the downstream impact this report would run well over 100 pages. Following Mr. Richard Chandler's footsteps, we have passed approximately 200 yards along the creek channel where numerous "isolate" Biologs and masses of black plastic tarp as shown in Figure 13 (also emplaced by "Creek Restoration Experts") are buried in the silted creek basement and tangled like fisherman's knots around exposed Oak roots and Willow trees that contributed to inordinate channel bank scour and undercutting the stability of "Mother Oaks". While the Land Conservancy rightfully revels in photo-ops in planting acorns and other Oak Tree mitigation projects, their noble efforts have been betrayed by the degradation and destruction of Oak habitat and mature "Mother" Oaks along Nipomo Creek. The damage will have long-term affects on Oak habitat.



Figure 13. Massive tarp tangled on foliage and buried in creek basement

The term "Biologs" sounded nice and "green" when used in promotional literature bent on securing funding, but this term is overtly misleading. A more appropriate use of the proper language would define these inorganic black plastic waddles as "Muerto-logs" or death logs. Anyone can see by casual glance the black plastic webbing surround the straw interior of what in layman terms are called "Waddles". A number of years ago the Eco-community mounted a vigorous and vocal outcry against plastic container tops for 6 packs of beer and soft drinks. The pulpit was pounded on radio and television far and wide how small animals and birds would become entangled in the plastic and dies a cruel death. These "Muerto-logs" emplaced in the creeks of Haystack and Nipomo Creeks I believe are far worse than the container plastics. Instead of 6 holes there are thousands in a length of a "Muerto-log". If you handle this material you will immediately notice its unnatural strength and being inorganic instead of organic, they are extremely resistant to decomposition. Scientific evidence has shown this plastic could last hundreds of years before it decomposes. This has amplified my concern that this "Muerto-log" plastic netting could cause on going death of species already in decline well beyond the passing of our grandchildren. I am just as shocked as was Mr. Richard Chandler that anyone would put this material directly in a stream channel. In my opinion the use of these "Muerto-logs" illustrates a monumental lack of professionalism, expertise and common sense.

The next six images (Figures 14 through 19) will document the growth and maturity of only a single debris jam. In the first image you will see an embryonic debris jam. First a little brush wraps around a mid-stream Willow (Figure 14) followed by a few black plastic netted "Muerto logs" and or their empty netting and some black plastic agricultural drip tubing (a primary scourge in Nipomo Creek). The channel flow in front of the debris jam slows and heavier objects "drop" out. The debris jam grows and as it does channel flow is diverted laterally against what in this case was a set of channel banks 30 feet apart. In the next three images (Figures 15, 16, & 17) you can see how black plastic netted "Muerto-logs" integrate themselves into the debris jam that becomes consolidated and grows geometrically around constantly growing Willow uprights. Without the introduction of inorganic plastic, especially in massive amounts, organic materials being in a moist environment decompose quickly and erode incrementally causing little damage. I have watched this process many times in 50 years.



Figure 3. Embryonic Debris Jam in Nipomo Creek



Figure 15. Biologs & Black Plastic Tubing integrated into Debris Jam



Figure 4. Biolog Binding Debris Jam



Figure 17. Plastic Bound Debris Jam at Basement Level of Creek

In Figures 18 & 19 you will see the leading point of a huge debris jam; I call this "Waddle Island". Its mass of organic material, silt and rocks consolidated by the unrelenting strength of plastics has created an island nearly as wide as the original creek channel. The channel flow now becomes diverted to either side of the ever-growing mass tied and bound by "Muerto-logs" and agricultural black drip tubing. The right side of the sixth image (Figure 18) shows a minor portion of Waddle Island wrapped from top to bottom by "Muerto-logs" and black drip agricultural tubing. During a moderate stream flows this past spring, (2008) the debris jam plugged the channel flow and the area on the left of this image, blew out undercutting the bank. The V shaped grey stem (Figure 19) and main stems in the foreground were part of an approximate 40' x 6' bank collapse that occurred just before this picture was taken. The next major storm surge will create a complete blockage of the stream channel to the top of the channel bank at approximately 12 feet and then "blow out" sending a wall of water down stream in a deluge. "Waddle Island" won't move leaving the oak studded banks to take the brunt of the erosion on either side of "Waddle Island" and the many properties below. You may think that I exaggerate but plastic tubing and a least one inflated waddle (since removed) hang from trees downstream approximately 12 ' above the stream channel basement.



Figure 18. Leading Edge of Waddle Island



Figure 19. Bank Collapse Due to Waddle Island

The next 3 images (Figures 20, 21 & 22) will exhibit the progression by which both young and "Mother Oaks" loose their stability and in a domino effect slump root wad first into the stream channel exacerbating "Waddle Islands" destructive influences geometrically. The loss of oak trees along this stretch of Nipomo Creek has dramatically increased since 2001 compared to the previous 40 odd years. Natural re-stabilization of creek channel banks will take decades.

The first image (Figure 20) is of oak roots protruding from a fresh bank collapse on the west bank of "Waddle Island". The undercut and collapse of this bank has opened up a vertical wall for the next storm surge to churn a cutting spiral of water against. In my opinion at least four of the oaks seen in the upper pan of the image including the large "Mother Oak" are doomed to future high water.



Figure 20. Bank Collapse on West Bank of Waddle Island

The second image (Figure 21) is of an oak with a bank ward lean. Having had its creek side roots undercut due to a 90-degree scour wall below as can be seen in the bottom left of the picture. It is ready to slump into the creek channel carrying with it a substantial amount of the bank and ground cover. There were large amounts of black plastic removed from the creek channel below this once vertical Oak.

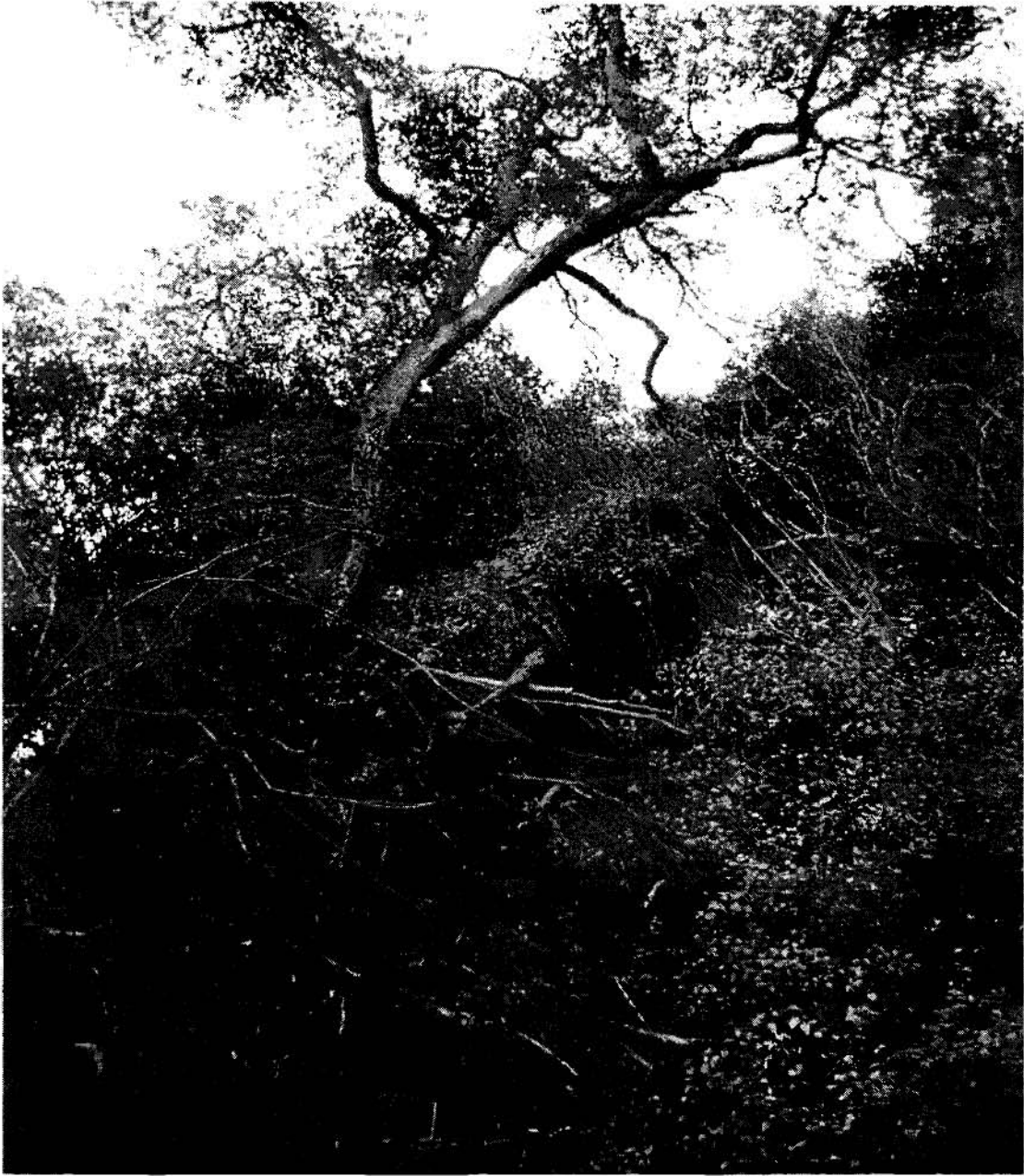


Figure 21. Formerly Vertical Oak Ready to Slump into Creek

The third image (Figure 22) shows a large "Mother" Oak that has lost the vertical battle, its root wad hanging over the channel in the far right of the picture. This tree for decades was a daytime roost for generations of Great Horned Owls. Again, large amounts of black plastic were removed from this area of the creek channel and were wrapped around the Creekside root wad of this tree.



Figure 22. Large Oak that has lost the vertical battle

The destructive hydro modification of the Nipomo Creek channel below the restoration project has affected a significant length of its main stem and will continue to do so the likes of which I have not seen in ½ century. Blowouts have happened in the past but were the exception, not the rule. I have been told I do not understand the "Big Picture" and more recently that trees which have slumped into the stream channel "create habitat" In Figure 23 you will see a main stem plugging the creek channel. The next storm surge will cause extensive hydro modification. A garbage dump creates "habitat" for crows, rats, and seagulls. Using these excusatory buzzwords to obscure reality is another example of a constricted frame of impropriety. The broad horizon of Nipomo Creek's environmental future hangs by a root of hope (Figure 24.).



Figure 23. Main stem plugging creek channel



Figure 24. Creates habitat or destructive hydro modification?

Although my main thrust in this investigative report was the obvious damage done by the emplacement of "Muerto-logs" in the channel of Haystack and Nipomo Creeks there are two corollary issues I will also bring up.

On lower Haystack Creek there seems to have been an effort to stabilize the creek channel banks by planting small California Roses, Red Oak and Redwood Trees. (Redwoods were indigenous to Nipomo in the ice age, a fact substantiated by finding redwood in drill cores 250 feet under the surface just west of the Dana Adobe less than ½ mile west of preserve site). The following three images will document this activity.

The first of three images (Figure 25) shows a "Creek Dog" holding up a previously storm flattened Red Oak. Please note I have included high and low mean watermarks. These estimates are drawn from 50 years of historical knowledge. Instead of using a hand auger to penetrate the consolidated root bound channel bank for the planting process, cut benches were hacked into the consolidated channel bank. This disruption of a consolidated root bound bank formation incurred inordinate scour of their vertical cuts. The cut benches in the following two images were carved out well below the mean low water zone and just above the basement of the creek channel. This exact zone is where the most substantial amount of erosion occurs in Nipomo Creek. In the second image (Figure 26) you will see a young California Rose and Redwood Tree at the same elevation. In the third image (Figure 27) you will see a Red Oak Tree (a grey flattened stem in lower right center) and a Redwood Tree. This is an example of widened erosion scour on an otherwise consolidated bank. These trees will never have a chance to mature. Without belaboring the point any further bank degradation is what we see here, not restoration. The way the "Big Picture" is framed in Nipomo Creek, life is again as expendable for the ink on the bottom line of control. In the case of Nipomo, public assets were totally wasted in the creek restoration efforts. Beyond that the damage done to the adjoining down stream properties and the environment increases the malfeasance geometrically.



Figure 25. Cut Benches Just Above Creek Basement



Figure 26. Doomed Redwood & Rose in Maximum Erosion Zone



Figure 27. Accelerated Bank Degradation Due to Cut Bench in Previously Consolidated Bank Formation

The second corollary issue that has to do with bank degradation is the static concept based agenda where the removal of all invasive species is involved. I am not adverse to this concept however without a component of flexibility and common sense on occasion more harm than good might be done. In the case of the Nipomo Creek the agenda to remove Periwinkle (an invasive species) as creek bank cover is remarkably short sighted. This plant has established itself to one degree or another over approximately one mile of the watershed. The community holds it in great esteem for its exceptional ability to retard erosion, which translates into the health and well being of the community. As to the probable failure of eradicating this plant, I will quote from page 50 of the Nipomo Watershed Management Plan: "The population of Periwinkle and Ivy were sprayed in 2004. At the time of winter of 2004 survey the majority of the plants were dead. In the spring of 2005 all populations of invasives were burgeoning. Weed removal efforts at this location will need to be continued frequently throughout many seasons and possibly many years". One must ask how many thousands of gallons of broad leaf herbicide over how many decades will be sprayed into this riparian environment? Will the herbicide also impact broad leaf native species? How long will it take to successfully re-establish native species and if the Periwinkle reappears in that zone will the reapplication of herbicides harm the new native growth? If a flood event occurs during the re-establishment period will the new growth be able to withstand the souring affects of storm surges? Was community safety taken into consideration? On page 67 of the same report, it is stated, "Large portions of the project site are a Periwinkle monoculture providing very little ecological benefit to the project." This is overtly misleading. There are Oaks, Willows, Box Elders, Poison Oak, Blackberries, and many other native plants that together form a symbiotic barrier to retard bank degradation. It seems to me this relationship and its ability to stop inordinate bank degradation would be one of the main pillars of ecological integrity in an active riparian ecotome. The first image (Figure 28) you will see is an unbeatable relationship of Willow and Periwinkle for bank stability. The "bank" Willow flattened against the bank channel by a previous storm surge has sprouted numerous vertical succors from its main stem. Its flexible comb-like structure tends to shed debris that would cause debris jams to a maximum extent. As an understudy of Willow, Periwinkle controls erosion with a blanket of foliage. Both have tenacious root systems and aggressive above ground growth. In the second image (Figure 29) you can see its ability to protect the bank. I applaud the concept of returning our natural areas to a Pre European contact environment, however in an urban/nature zone like Nipomo Creek the pros and cons of community safety should be weighed.



Figure 28. Symbiotic Relationships of Willow & Periwinkle

Rather than a "one way fits all" rigid agenda, I feel a flexible attitude would be more appropriate.



Figure 29. Periwinkle Bank Control Translates into Community Safety

3.0 SUMMARY

The State of California has implemented a majority of its citizens desire to improve our environment. Many citizens such as myself who remember areas such as Nipomo Creek as a vibrant stream of life strive by our efforts to retard environmental degradation and pray for integrity to be returned to the community of both man and nature. I live my life as a fiscal conservative that believes in conservation. I address in the main body of this investigative report the root word conserve, both in the wise spending of money in restoration efforts and my desire to see implemented symbiotic integrity between the human population and natures realm. All the grantor agencies are an integral cog in the implementation of this noble goal. In any endeavor there are inevitable problems that crop up in the arena of protocol and procedures. If I as a citizen stood mute without airing my constructive criticism in the matter of Nipomo Creek I would be part of the problem. As with all endeavors if problems are identified and objectively addressed the system as a whole can evolve into a more efficient mechanism. It is with this in mind I have produced "Destructive Failure" as *constructive criticism* and also offer in the next section opinions, conclusions and offer possible solutions to sharpen the focus on future success.

It is deeply troubling to me to observe a "Responsible" ecological agency who beat their own drum asserting superior knowledge with an air of elitism to make such blatant errors in judgment in their creek restoration efforts. That is why I suggest that there be a mechanism for investigative inquiry to assure accountability in the arena of creek and land restoration. To reward substandard activities by Responsible Agencies with future funding would cater to future bad behavior and/or concealment in much the same manner as has happened on Wall Street and our government in the recent economic meltdown. It would seem that Responsible Agencies would endeavor to maintain a positive reputation by instituting internal scrutiny, but in the case of Nipomo Creek restoration this did not happen. As in any endeavor an organizations reputation often resides in the integrity of its representatives and how

they deal with success or failure and their interaction with the community. I hope by this photo documentation I can serve as a person with "feet on the ground" investigative inquiry to "open your eyes" to a reality you might not otherwise have a chance to see.

Another area of concern that I feel needs more scrutiny is the realistic maintenance of any property held and/or controlled by Responsible Agencies. In the case of the Nipomo Creekside preserve "Park" the drive by style of maintenance that has prevailed in the past few years has left the area untenable for public use except for the dissolute of society. The projection by the Responsible Agency that the community could use this park, especially the youth, has fallen prey to selective memory. Besides becoming a haven for drug and alcohol abuse the untended overgrowth of coyote brush raises the specter of fire hazard in this urban/natural area. When minor brush abatement has occurred the brush is not removed but instead piled up to dry adding to an already volatile situation only yards away from commercial complexes. In the case of Nipomo Creek the activities photo documented in my investigative report has accurately documented irresponsibility, not responsibility, which has retarded community participation and bred a concept of distain for the granting (funding) process at large. Accepting liability is one specter this Responsible Agency does not seem to take into consideration whether it is for the safe use of the "Park" by the public, the extreme fire hazard that has been allowed to exist or the damage to downstream properties due to flooding. Before you the grantor agencies fall into a comfort zone with the Responsible Agencies remember a glossy photo-op bent on gaining future funding does not always "tell the rest of the story".

4.0 CONCLUSION

1. Keep in mind that those who proffers "expertise" and "Professionalism" employed by "Responsible Agencies" are not always endowed with common sense, which I see as an important component of rational thought. The emplacement of non-biodegradable plastics erroneously called "Biologs" is a real world example of why falling into a comfort zone without independent accountability is a recipe for problems.
2. An agency who has locked itself into a concept based agenda without any component of adaptive flexibility born of common sense can, as in the case of Nipomo Creek, cause more harm than good.
3. In some cases, as in Nipomo Creek, the cleaning of the creek channels to accommodate natural flow is often the best cure for degradation. Mother Nature has an efficient ability to heal herself. Second guessing natures laws in Nipomo Creek has led to ecological disaster downstream that is geometric in scope and engages the "Responsible Agency" in legal liability it can probably ill afford. Hacking cut benches into consolidated channel banks, the use of herbicides in or around stream channels destroying bank cover and the use of plastics has created a deplorable condition in Nipomo Creek.
4. After what has happened in Nipomo Creek watershed the perception of many in the affected community is that the granting process at large is a chicanerous flim-flam at best. The errors in judgment demonstrated by the "professionals" and their post operative attitudes leads many to believe that some operatives in the ecological movement consider natural life and community safety expendable and that their primary concern is or the power of control and the green of funding rather than the "greening" of Nipomo Creek's environment.
5. When all is said and done and all the inevitable maneuvering ceases, how a "Responsible Agency" reacts to the irresponsible actions of its agents will define their reputation.

5.0 RECOMMENDATIONS

1. There should be some form of independent investigative inquiry to assure proper accountability inherent in the granting/budgeting process where creek or land restoration is concerned. I would suggest any expense be held in trust through a contract performance clause until continual postoperative inspections could be made.
2. A "Responsible Agency" should be internally vigilant so concealment of substandard work or destruction of property can be handled in a timely fashion. Accountability breeds trust and would enhance public participation with "Responsible Agencies" and enhance faith in the granting process.

3. Once a "Responsible Agency" gains ownership or control of property through funding the grantees should be held accountable for realistic maintenance and the civic responsibility of "purpose". They should not be allowed to turn a blind eye to the community safety on issues such as flood control, fire hazard or safe public use as has happened in Nipomo.
4. The use of plastic material of any kind in or around a dynamic environment should not be allowed.
5. When errors in judgment are made in restoration efforts that cause damage to adjacent properties the "Responsible Agency" should address the situation with reclamation in a timely fashion. If those damaged will not accept reclamation by the "Responsible Agency" then that agency should be liable to pay the expense of an E.I.R., any permitting expenses and for another qualified agency to do the job.
6. It is imperative that there is a value added component where land and creek restoration is apparent in agency funding. It should be made mandatory that this value added activity be performed in a conscientious manner with a component of oversight and maintenance in the restoration budget. Given the state coffers as they presently are in such horrific arrears every dollar needs to count. In the case of Nipomo Creek restoration every dollar spent might as well have been piled up and burned. Add to that the downstream liability and damage that is present today there exists wide spread lose/lose situations for both the natural and monetary environments.

I certainly appreciate your taking the time to review my investigative report "Destructive Failure". I am just a run-of-the-mill citizen expressing my heart-felt indignation for the degradation of a watershed with which I have had a personal relationship with for ½ century. My criticism is meant in a constructive way to sharpen the focus of success for the broad horizon of our ecological future without the constricting frame of impropriety. The photo documentation you have seen in this report is the tip of an iceberg of 300 hours of film and over 1000 still images I have secured over a seven year period to define my position beyond a shadow of a doubt. If you have any questions concerning this situation please contact me for further discussion.

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