



WISHTOYO
CHUMASH FOUNDATION



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Legal Victory Secures Protection for Santa Clara River Steelhead

SATICOY, *Calif.*— Conservation groups scored a key courtroom victory on Monday for endangered Southern California steelhead harmed by operation of the Vern Freeman Dam on the Santa Clara River.

In a [152-page decision](#) issued by Honorable Judge David O. Carter, the court found United Water Conservation District violated the federal Endangered Species Act by clearly causing past, ongoing, and future harm to steelhead as a result of the dam's barrier to fish movement and diversion of water. Finding that United "dragged its feet" on critical solutions, and that "United has proved itself unable and unwilling to tackle the two key problems repeatedly identified as perpetuating harm to steelhead," Judge Carter ordered measures needed to prevent the harm from continuing and to allow for steelhead recovery.

The 1,200-foot-wide, 25-foot-high Freeman Dam's ineffective fish ladder, combined with United's diversion of the Santa Clara River's flow at the dam, prevent steelhead from returning to their prime upstream spawning habitat in the river and migrating to the ocean.

Southern California steelhead are a federally protected, endangered anadromous fish that mature in the ocean but return inland to spawn in freshwater upstream. The Santa Clara River historically supported thousands of steelhead and is critical for the recovery of steelhead throughout their range.

The court's ruling requires United to immediately ensure the river has sufficient flows for steelhead to swim the 10.5-mile stretch of river to and from the ocean. In addition, by January 2020, the court's ruling requires United to fully design both a 400-foot wide

notch and a hardened ramp solution to allow fish to migrate past the dam, and to construct the fish passage option acceptable to the National Marine Fisheries Service.

The Chumash name for Southern California steelhead is “Isha’kowoch” (glistening salmon). The Chumash people have a strong cultural interest in the recovery of the Isha’kowoch, which for more than 10,000 years have played a significant role in sustaining a healthy Santa Clara River ecosystem that spiritually and physically supported Chumash communities and villages.

“By eliminating physical barriers to steelhead passage, we are not only protecting an endangered species, but we are also overcoming barriers that have interrupted the continuity of our ancestral traditions. Steelhead hold a central and honored place in our culture. Restoring instream flows to the Santa Clara River allows steelhead access to their spawning sites, and also allows restoration of our ancestral connection celebrating the seasonal return of the steelhead through our shared waters,” said Mati Waiya, a ceremonial elder of the Santa Clara River Turtle Clan and executive director of the Wishtoyo Chumash Foundation. “Our victory today is important for all First Nations Peoples that place a critical cultural value on steelhead that were once abundant in our coastal watersheds.”

“The court’s decision affirms a well-known fact amongst fish passage experts, people who are knowledgeable about steelhead in Southern California, and state and federal fisheries agencies: United’s operation of the Vern Freeman Dam is a barrier to the migration of steelhead on the Santa Clara River and has led to decimation of the species in the watershed and beyond,” said Jason Weiner, general counsel for the Wishtoyo Chumash Foundation. “More importantly, the decision brings an end to over 20 years of inaction by United to implement steelhead passage and flow-release solutions at the Dam that are needed for steelhead survival and recovery. Restoring steelhead to the Santa Clara River is now possible and critical not only for the species, but for so many of the River’s communities whose wellbeing is dependent upon their rights to enjoy and benefit from a healthy river system. In addition, the decision continues to allow for the diversion of sufficient water for the maintenance of sustainable agriculture and municipal use in the Santa Clara River watershed and Oxnard Plain.”

“Without changes in how the Freeman Dam is operated, steelhead in the Santa Clara watershed face a grim future,” said John Buse, senior counsel at the Center for Biological Diversity. “This victory will help get fish upstream and water downstream at the right time.”

Filed in federal court in June 2016, the lawsuit was decided after an 11-day trial with testimony from some of the most esteemed steelhead and fish passage experts.

The groups were represented at trial by lead counsel Christopher Sproul of Environmental Advocates; Jason Weiner, senior attorney and general counsel of Wishtoyo Foundation; Geneva EB Thompson, staff attorney for Wishtoyo Foundation; and Heather Kryczka of Environmental Advocates.

The Wishtoyo Foundation is a community-based 501(c)(3) nonprofit with over 700 members consisting of Ventura County residents, Chumash Native Americans, and the general public that enjoys, depends on, and visits Ventura County's inland and coastal waterbodies. Wishtoyo uses traditional Native American Chumash beliefs, practices, songs, stories and dances to increase awareness of our connection with the environment and to preserve the maritime culture and resources of the Chumash people and coastal communities. Core values of the Chumash include sustainable living and respect for the environment. In 2000, the Wishtoyo Foundation launched Ventura Coastkeeper to protect, preserve, and restore the ecological integrity and water quality of Ventura County's inland waterbodies, coastal waters, and watersheds.

www.wishtoyo.org

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.6 million members and online activists dedicated to the protection of endangered species and wild places.