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Lawsuit planned over steelhead

Santa Clara River fish ladder targeted

By Zeke Barlow (Contact)
Thursday, October 2, 2008

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In the latest salvo in the battle over steelhead trout, an environmental group this week took the first step toward filing a lawsuit against the United Water Conservation District and the U.S. Bureau of Reclamation, claiming the water agency is not doing enough to protect the federally endangered fish in the Santa Clara River.

"We have to take decisive action now," said Nica Knite, program manager for California Trout, which filed a notice Monday that it planned to sue over the issue. The suit is not just about protecting the steelhead, but the entire river, she said.

The steelhead "is an indicator of the ecosystem health of the entire Santa Clara River watershed," she said.

Knite's group contends United Water hasn't done what was specified in a July document by the National Marine Fisheries Service, which regulates the management of the

steelhead.

The biological opinion said the United fish ladder that goes around the Freeman Diversion doesn't work and the agency must fix it or build a new one.

It said actions are needed as early as this winter to help the fish get around the structure, which diverts water from the river to the Oxnard Plain.

United's general manager dismissed Knite's claims as well as parts of the biological opinion, saying the water district is doing all it needs to do to protect the fish.

"We are not going to be intimidated," Michael Solomon said. "We are going to protect the environment and do our responsibilities and protect our constituent's water supply."

Solomon said the ladder does work, and the reason only two steelhead have been seen going up it in the past 11 years is there isn't a significant fish population in the river.

"We believe the fish ladder works and if they are there, they can get up it," he said. "What it says to us is that the fish aren't there."

The Bureau of Reclamation was named in the lawsuit notice because it lent the money to United to build the ladder. Bureau officials were unavailable for comment.

Knite said the biological opinion states United needs to form a panel to figure out ways to make the ladder more effective this rainy season, when steelhead normally swim from the ocean and up freshwater streams to lay eggs. She said a number of things can be done to make the ladder more effective, including modifying the streambed at the entrance to the ladder.

But Solomon said United is convening a panel to determine if the ladder needs to be fixed. Only if the panel decides it is broken will United look at ways of fixing it, instead of building a costly new one.

"Don't replace the engine of the car when all you need is a spark-plug change," he said.

Knite argued the biological opinion clearly states the mission of the panel is to find immediate solutions, and United needs to act quickly before the rainy season.

"They may complain that they are moving forward, but they are not," she said. "The regulatory process is complete. There are directives, and you are not acting on them. You need to act on them to benefit the species."

Chris Yates, who oversees steelhead restoration in Southern California for the National Oceanic and Atmospheric Administration, said the purpose of the panel is to consider ways to fix the ladder or determine what new facility would work.

It has unequivocally been determined the existing ladder doesn't work, he said.

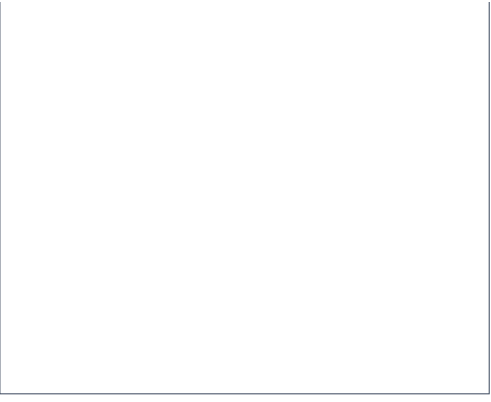
United Water has spent a significant amount of time trying to prove that steelhead are no longer in the Santa Clara River and therefore a new fish ladder is not needed.

The biological opinion said the river is one of the most important in Southern California in helping the species to recover.

It also said a new ladder — which United estimates could cost \$28 million to \$60 million to build — needs to be constructed by 2011, a timeline United called unreasonable.

It will not be the first time California Trout has sued a water agency.

The Casitas Municipal Water District built a \$9 million fish ladder on the Ventura River in 2005 after threats of a similar suit by California Trout.



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Knite said it's time to move forward and look at how to protect the steelhead in the Santa Clara River.

"The fat lady has sung, and the writing is on the wall," she said. "Eleven years is too long to allow this to go on, and we cannot stand for any further delays."

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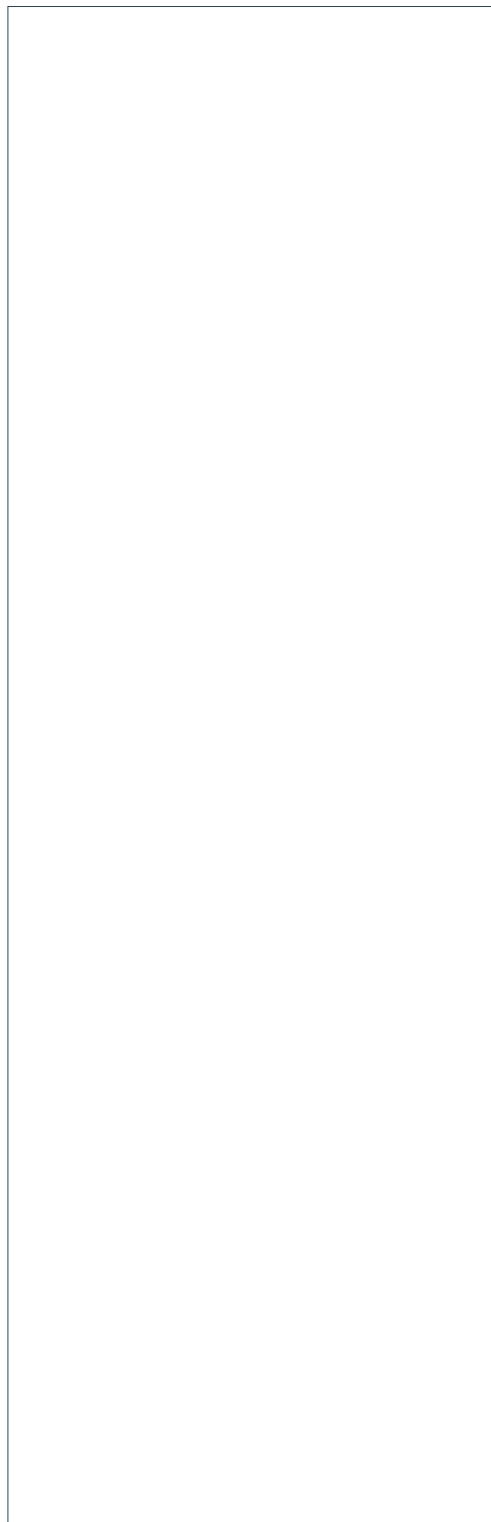
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Discussions

Posted by jeffreys49 on October 2, 2008 at 6:41 a.m. (Suggest removal)

Hell with those steelhead times have changed after ten years of helping them get up the river and we video two fish ??? they must have been lost take the money you want to spend on schools of trout and steelhead and put towards something that makes a difference like our childrens schools ...

Posted by Thinkbeforeyoupost on October 2, 2008 at 8:02 a.m. (Suggest removal)

The Steelhead are gone. To many years of letting the rivers run dry have killed them off. The only thing that will bring them back is to let the river flow and that ain't going to happen because the water is lining to many peoples pockets with green stuff, and I'm not talking algae!

Posted by FreedomFirst on October 2, 2008 at 8:40 a.m. (Suggest removal)

Jeffreys, we are giving the schools way too much money as it is. The taxpayers need to start demanding accountability for all the money that we dole out to the schools and what are we receiving in return? Every couple of years they are placing some bond issue on the ballot asking for money for them to squander, than they come back and tell us that wasn't enough to take care of everything so give us some more. They get money from the Lottery, money from the state, money from the Feds, money from fund raisers and money from just about everything, yet it's never enough! What the H_LL are they doing with all this money? Fish and the steelhead trout are part of our history and need to be restored so that they can flourish again as they once did. If they would have built the ladder correctly the first time they wouldn't even be considering this now.

Posted by jeffreys49 on October 2, 2008 at 10:03 a.m. (Suggest removal)

When was the last big steelhead run near ventura 1994-95 , without opening the rivers back up so they flow correctly the fish can not find the natural inlet and if they could the massive algae growths choke them out, the opening of many of the counties rivers not only benefit the steelhead but the coastline as a whole as many of us watch the beaches being covered in large rocks and the shoreline vanishing its due to the run of from mountains not replenishing our shorelines .. and by the way where is that LOTTERY MONEY ??? with all the interest since 1984 or so it should be close to 700 billion.....

Posted by Ironhorse on October 2, 2008 at 11:10 a.m. (Suggest removal)

Two fish in the ladder in eleven years? Last big run was 1994/95? And how big was this "run"? I can't answer for the accuracy of these statements; but I would like a few questions answered for myself. For instance, can California Trout tell me if there's been a swarm of fish waiting at the river mouth to go upstream? Can C.T. show me any steelhead in the nine miles between the rivermouth and the ladder? Can C.T. tell me the southern limit of steelhead range, i.e. is there any river south of the Santa Clara that has a significant steelhead population? My contention is that Southern California, left to it's own natural devices, is basically a desert (arid) climate. Few, if any, of it's rivers run consistently enough to support a migratory fish population. In fact, I would guess that without the various dams along the Santa Clara watershed (as well as the Ventura River watershed), the only time we would see any water is during the "El Nino" flash flood seasons. Therefore, the only thing California Trout is doing by sueing United Water and the Bureau of Reclamation is



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causing your water bill to climb and your taxes to go up. Surely, you don't expect United Water to pay for their legal defense, do you? That expense will be passed along to the customers as rate hikes or assessment fees. Now what I would REALLY like to know is when United Water will cry uncle and tell the County of Ventura and the various city councils that they can no longer provide new water supplies for new developments.

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