



environmental
DEFENSE CENTER



PRESS RELEASE

For Immediate Release: June 4, 2014

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ENVIRONMENTAL GROUPS ANNOUNCE PLAN TO SUE FEDERAL GOVERNMENT OVER ENDANGERED STEELHEAD TROUT DEATHS

Santa Barbara, Calif. -- On behalf of California Trout (CalTrout), the Environmental Defense Center (EDC) has sent a 60-day Notice of Violations and Intent to Sue to the U.S. Bureau of Reclamation (Bureau) alleging violations of the Endangered Species Act (ESA). The letter puts the Bureau on notice for its actions causing deaths of endangered Southern California steelhead trout (*Oncorhynchus mykiss*) at Hilton Creek, below the Bradbury Dam and Cachuma Reservoir.

Between March 2013 and March 2014, the Bureau's pumps failed to properly function and release water, causing Hilton Creek to run dry, and leading to the death of roughly 176 federally-endangered Southern California steelhead. This past week, the pumps failed yet again – an outage which has killed over 200 steelhead.

By causing these deaths, the Bureau has placed the Santa Ynez River's tenuous steelhead run—and the entire species—at an increased risk of extinction, and has violated federal law mandating the species' protection. Unfortunately, these incidents are indicative of the long-term mismanagement of the critical steelhead population in the Santa Ynez River watershed. Steelhead are a critical indicator of the health of a watershed – like a canary in a coal mine, the health of steelhead indicates the health of the watershed in which they are found. Southern California steelhead is the ancestor of all other west coast steelhead populations. Southern California steelhead reside in waters considered too warm and lethal for all other steelhead and therefore may be critical to ensuring steelhead survival as oceans warm.

Hilton Creek is a tributary of the Santa Ynez River, located directly downstream from Bradbury Dam, and is designated by National Marine Fisheries Service as critical habitat for the endangered Southern California steelhead. The Bureau is required to funnel water to Hilton Creek in order to ensure adequate flows for the species to migrate, spawn and rear their young – and to ensure the species does not fall further into jeopardy of extinction.

However, the Bureau has failed to meet this requirement on numerous occasions. Due to the Bureau's negligence, fish have repeatedly been stranded in the dried creek bed and left to die. For example, in June 2013, 87 endangered Southern California steelhead were killed when the Bureau's backup generators failed to restart the water pumps after a power outage. After

the pumps failed to restart, water was not restored to Hilton Creek until seven hours later, leaving the creek to go dry. The pumps failed again several more times in 2013 and 2014, including three outages in March 2014, resulting in a total of 33 Southern California steelhead deaths that month. This past week, on or around May 25, 2014, the pumps again failed to function, causing the largest incident of fish deaths to date – at least 200 fish died. Despite these recurring fish kills, the Bureau has failed to make necessary repairs to the existing pumps and backup system.

The Southern California steelhead was listed as a federally-endangered species in 1997 after its population plummeted from a range of 32,000 – 46,000 to fewer than 500 steelhead. This dramatic decrease was primarily the result of the construction of dams, which block steelhead access to upstream spawning habitats and dewater southern California's rivers and streams.

For example, the operation of Bradbury Dam on the Santa Ynez River since 1953 has prevented steelhead access to natural upstream spawning grounds, necessary habitat for the species, resulting in the Santa Ynez River steelhead run to plummet from approximately 25,000 steelhead to fewer than 20 steelhead. In order to prevent the complete loss of Southern California steelhead in the Santa Ynez River, the National Marine Fisheries Service published a Biological Opinion (BiOp) in 2000. The BiOp concluded that numerous actions are necessary to maintain Southern California steelhead in the Santa Ynez River. Amongst these actions is a requirement that the Bureau pump water into Hilton Creek to ensure the survival and reproduction of Southern California steelhead.

The recent Hilton Creek fish kills represent a microcosm of the problems in the entire Santa Ynez River watershed.

“This is what happens when a dam is constructed and operated without regard to rare fish and wildlife: massive numbers of fish die. Without appropriate mitigation and management, they may simply go extinct, which is a great loss to everyone,” said EDC Staff Attorney Nicole Di Camillo. “These incidents are simply indicative of an ongoing failure to protect the species by implementing feasible solutions that both save fish and maintain domestic water supplies.”

Before the dam was built, fishing for steelhead was a major part of life for people living along the Santa Ynez River and attracted anglers from hundreds of miles away. “While the deaths of almost 400 endangered steelhead – deaths that could easily have been prevented – is highly significant and troubling, it's important to remember that before construction of the Bradbury Dam, 25,000 steelhead used to swarm up the Santa Ynez River each year,” said Brian Trautwein, EDC's Environmental Analyst & Watershed Program Coordinator.

The Santa Ynez River holds more potential than any other Southern California waterway for recovering Southern California steelhead. According to one study commissioned by the U.S. Forest Service, if fish passage were provided over Bradbury Dam, the river's population could increase to 2,000 to 4,000 steelhead.

Kurt Zimmerman, California Trout's Southern California Program Manager, observed, “The Santa Ynez River is a key to recovering the imperiled Southern California steelhead. Before the construction of Bradbury Dam, the river supported by far the largest run of steelhead in all of

Southern California. The river still holds great promise for bringing Southern California steelhead back from the brink of extinction.”

“Our hope is that the Bureau will fix the pumps and keep the remaining steelhead in Hilton Creek alive,” added Mr. Zimmerman. “We also hope to ensure that the government and public are aware of the lack of passage over Bradbury Dam and loss of a 25,000-strong steelhead run. We must find a way to overcome the Bureau’s unwillingness to manage Bradbury Dam in a manner that is compatible with recovering the iconic Southern California steelhead for our future generations.”

Under the ESA, potential litigants must file a 60-day notice of intent to sue before lawsuits can be filed. While CalTrout is committed to pursuing remedies in court if necessary, it is the groups’ hope that the notice letter will prompt the Bureau to comply with its mandatory requirements under the ESA and ensure protections for the Southern California steelhead.

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*Concerned about deteriorating fishing conditions throughout the state, a passionate group of anglers founded **California Trout** in 1971. CalTrout is a 501(c)(3) organization whose mission is to protect and restore wild trout, steelhead, salmon and their waters throughout California. CalTrout has worked to protect and restore the Santa Ynez River steelhead population since 1990. Learn more about CalTrout at <http://caltrout.org/>*

*The **Environmental Defense Center**, a non-profit law firm, protects and enhances the local environment through education, advocacy, and legal action and works primarily within Santa Barbara, Ventura, and San Luis Obispo counties. Since 1977, EDC has empowered community based organizations to advance environmental protection. Program areas include protecting coast and ocean resources, open spaces and wildlife, and human and environmental health. Learn more about EDC at www.EnvironmentalDefenseCenter.org*