

Wishtoyo

REPORT OF ACCOMPLISHMENTS 2011-2012



Pictured above: Mati Waiya, Chumash Ceremonial Elder, prepares a sacred fire by burning sage in an abalone shell and fanning it with a Condor feather at Wishtoyo's Chumash Discovery Village. Wishtoyo's work to protect Chumash culture and the natural resources all people depend upon are made possible by Mary Frampton and the nonprofit organization she founded: Save Our Coast-Malibu Dolphin Watch Foundation, Environment Now, Resources Legacy Fund Foundation, Strider Wasilewski & Lily Harfouche, Patagonia, the Quiksilver Foundation, George Benz, the Brenda Berman Trust, our members, community supporters, interns, project partners, and the Chumash community.



“For a basket to begin, a weaver must find strong, healthy plants born from clean soil, flowing water, and gathering areas shaped by seasonal caretaking.

For a basket to be born, a weaver must have skill, patience, community support, and be able to listen to the ancestors inside of her.”

Timara Lotah Link
Shmuwich Chumash Weaver

In the traditional Chumash language of Santa Barbara, this storage basket blesses us all:
“Grandfather in the sky, thank you for the sun, thank you for the moon, please watch over the people”





**Haku from Wishtoyo's Executive Director, Ventura Coastkeeper,
& a Chumash Ceremonial Elder:**

Dear Friends,

Wishtoyo would like to express our appreciation for your support in our beliefs, mission, and projects, which has enabled us to accomplish goals that fifteen years ago were only a vision of creating an organization based on the beliefs and values of the Chumash people, and the need to protect the health of our environment.

For those of you who are new to Wishtoyo, we are a 501(c)(3) not for profit public interest organization that preserves and protects the culture and history of Chumash and indigenous peoples, and the natural resources all cultures depend upon. We achieve our mission through preservation and restoration projects, advocacy, cultural resource management, education and outreach, scientific research, community mobilizing, and legal action. One of Wishtoyo's unique gifts is that we instill in the public and its youth environmental awareness and responsibility for sustaining the health of our land, air, and water by utilizing and sharing traditional Chumash beliefs, cultural practices, songs, dances, stories, and values.



Mati Waiya launches the Village tomol with David Dominguez and Matt Ward

Today, Wishtoyo shows the benefits of your support through: our Chumash Discovery Village; our cultural/environmental stewardship programs delivered to thousands of our youth; the protection and preservation of Native American cultural resources, practices and sacred sites; the work of our Ventura Coastkeeper program to protect and restore the waterbodies, wildlife, and natural cultural resources of Ventura County watersheds; and through many of our other projects and programs.

We are the recipient of the U.S. EPA Award for Environmental Achievement, the American Planning Association's Special Merit Project Award, the honored presenter of the Governor's Inaugural blessing, and have been successful in environmental and cultural litigation aiming to improve the quality of life for all.

The enclosed report highlights our achievements in 2011 and 2012, years of economic challenge that also saw growth and much important work accomplished by our organization and our volunteers who have meaningfully contributed in so many ways. In 2013 and beyond, we look forward to continuing to give everything we have to our cultural preservation, environmental education, and natural resource protection and restoration efforts.

Thank you for your support!

A handwritten signature in black ink that reads "Mati Waiya".

Mati Waiya
Executive Director, Chumash Ceremonial Elder



Mati Waiya delivering a Chumash Ocean Conservation Educational Program to Oxnard School Children



2011-2012 Accomplishments

Who We Are



Mati Waiya
Executive Director



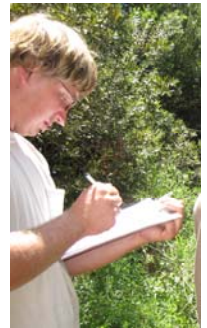
Luhui Isha Waiya
*Cultural Resources &
Education Director*



Jason Weiner, Staff Attorney
*Ventura Coastkeeper
Associate Director*



Lin Myerson
Grants & Office Manager



Anthony Lesney
*Village / Field
Staff*

Board of Directors



Charlie Cook, Board Chair



Max Gail,
Board President



Terry Tamminen
Board Vice President



Les Lo Baugh
Board Treasurer



Carole Goldberg
Board Secretary



Beau Bridges, Board



John Murdock, Board



Jim Kennedy, Board



Deborah Sanchez, Board

Wishtoyo's Staff and Board consist of a Chumash Native American ceremonial elder that serves as Executive Director; a Chumash hereditary chief that serves as Chairman of the Board; a Board member who was the first Chumash and Native American Superior Court Judge in California; a Cultural Resources and Education Director of Chumash descent, an Obama appointee to the Indian Law and Order Commission who serves as a Vice Chancellor, Professor of Indian Law, and Indian Clinic Director at UCLA Law School, a Staff Attorney and Ventura Coastkeeper Associate Director with a Masters in Environmental Management focused on Water Science, Management, and Policy who worked in Central America to assist indigenous communities, a Board member who served as the former Director of Environment Now and the California EPA, a Board member who co-authored the Federal Endangered Species Act, and a team full of Board members and Staff with varying expertise pertaining to protecting Native American Peoples' culture and the environment. Importantly, Wishtoyo is also our 700 + active members, volunteers, interns, legal clerks, and supporters who share our beliefs, support our work, and contribute to fulfilling our mission.



2011-2012 Accomplishments

Chumash Discovery Village

A Place for Chumash Cultural Preservation, and Natural Resource Advocacy, Restoration, Education, and Outreach



Wishtoyo's Chumash Discovery Village and three of its Aps.

Wishtoyo's Chumash Discovery Village - "Humaliwu" : The beginning of Wishtoyo's cultural preservation of Humaliwu, the Chumash Discovery Village on Malibu's coast at Nicholas Canyon, started in 1997 with the establishment of the Wishtoyo Foundation by co-founders Mati Waiya & Terry Tamminen. Mati Waiya's vision to "breathe life into a village" came true in 2000 when the Wishtoyo Foundation signed a lease with the Los Angeles County Department of Beaches & Harbors. Since then, Wishtoyo, with the spirit, memory, and honor of the ancestors,

has worked with great passion to bring an 8,000 year old Chumash Village back to life at this four plus acre site overlooking the ocean with the Channel Islands on the horizon. Planning; permitting; preparing extensive environmental impact reports with consultants, experts, and agencies; clearing debris; taking out an extreme overgrowth of invasive species; planting native plants, and jack hammering and removing excessive amounts of previously dumped cement into the otherwise free flowing Nicholas Canyon Creek, are amongst the many restoration efforts Wishtoyo has undertaken at the Village site.

Finally, from 2009 - 2012, with generous funding from the Mary Frampton and the Dolphin Watch Foundation she established, the Santa Ynez Chumash Reservation, the Quiksilver Foundation and many other generous donors and members, we were able to begin materializing a second phase: the physical building and habitat restoration. The Village currently showcases a riparian habitat restoration of native plants and trees; a central Ceremonial Gathering place for 200 + people - "sil'i'yik" that was covered in 2012, six traditional Chumash houses - "aps", a sacred Burial Mound, and a Chumash canoe - "Tomol." This is the "Place of the People" - a gathering place not only for Chumash People to practice and preserve their culture, but a place for the public and children to learn about becoming stewards of nature. A place where the mountains reach down to the ocean's shore; where whales, dolphins, cormorants, egrets, rabbits, deer, hawks, hummingbirds, and waters from the Santa Monica mountains naturally flow into the creek which washes into our great ocean; a place where the voices of the ancestors remind us of generosity and humanity as we greet thousands of visitors each year. It is with this responsibility and passion that we embrace all those who want to participate in protecting our greatest resources, the ocean, land, air, and one another.



Chumash youth collecting shells at Wishtoyo's Tribal Wave Youth Camp



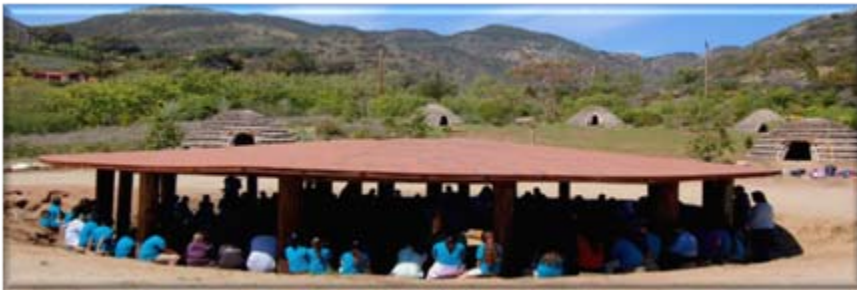
Chumash teens paddling to Limuw.



2011-2012 Accomplishments

Chumash Discovery Village Additions

Wishtoyo's award winning Chumash Discovery Village, cherished by the Chumash and its thousands of visitors, featured in numerous documentaries and print media, and recipient the American Planning Association's Award in 2006 for Special Project Merit, is a living village dedicated to fostering an education for Chumash culture and environmental stewardship. The Village is the foundation of Wishtoyo's cultural and natural resource education programs. At the Village, Wishtoyo hosts solstice celebrations, ceremonies, sweats, blessings, and *tomol* voyages. Over 6,000 thousand visitors per year participate in Wishtoyo's cultural and environmental education programs, including the general public, youth from a wide array of educational institutions and community service organizations, schools, community groups, at risk youth, rival gangs, and indigenous spiritual leaders from all over the world. The Village also serves as a center for the preservation of Chumash cultural practices and language classes, material culture, and indigenous art.



Pictured above, Wishtoyo delivering a Chumash Marine Protected Area ("MPA") Cultural Ocean Conservation Education Program to youth in the newly covered ceremonial gathering area banque (left) and on the Village grounds (right)

From 2011 - 2012, the Village was enhanced by the covering of the central Ceremonial Circle, the creation of a Women's Circle with a ceremonial area and sweat lodge, extensive plantings of native plants and removal of invasive plants, the creation of new trails, and the addition benches, a welcome office, a *tomol* house, cooking area, and a projector for educational programs.



Village Tomol House with Isha' kowoch (steelhead) tomol



A portion of the Native Plants garden at the Village, Aps, a tomol, and the covered ceremonial area



The new Village office and reception area



From left to right Oscar Ortiz, Steve Villa, and Mati Waiya arriving a Limu

In 2013 and beyond, with your help, we are seeking to commence the following Village improvements and additions: completing the ceremonial circle with a ramada, the Women's Circle, the Interpretive Native Plants Garden, and the Village trails; constructing a Rainbow Bridge, water mains to Village (permit already in place), 6 more aps (Chumash Dwelling Units) including 4 portable aps, a museum, a Village water feature, and 3 additional Village tomols (Chumash ocean vessels); and burial of power lines obstructing ocean view.



2011-2012 Accomplishments

Chumash Discovery Village Vision



CHUMASH VILLAGE CONCEPT
WISHTOYO FOUNDATION



ALD DESIGN

The Wishtoyo Chumash Discovery Village's and its Cultural Center's goal is the, "Preservation of life through culture ... for the world." It's a place where all people can learn preservation of the environment and a respect for all cultures. We are working hard to fully complete the Village on this 8,000 year old village site for our People, the public, you, and our future stewards who visit the Village for our cultural environmental education programs.



2011-2012 Accomplishments

Cultural & Environmental Education and Outreach

Wishtoyo's educational programs instilled the cultural and social importance of a healthy marine environment to over 6,000 K-12 school children in 2011 & 2012 through sharing Chumash cultural values, art, traditions, maritime culture, songs, dance, history, and a stewardship ethic that exemplify not only the Chumash People's current and past dependency on a healthy ecosystem, but the dependency of society at large on our marine and coastal resources.



Mati Waiya engaging an Oxnard School child in a Chumash MPA Program



Wishtoyo Delivering Chumash MPA Ocean Conservation Education Programs at the Wishtoyo's Chumash Discovery Village

Delivered at Wishtoyo's Chumash Discovery Village overlooking the Pacific Ocean, Wishtoyo's K-12 education programs blend Chumash maritime culture, environmental sustainability, and science content that engrains an understanding of Chumash life ways, stewardship of our ocean and land, and conservation ethics in program participants. Sharing Chumash songs, oral history, and storytelling, with sustainability practices and scientific presentations, has created an outstanding and memorable education experience enjoyed by thousands of all age groups, teachers, and parent participants alike per year. The Village, with six aps (Chumash dwelling units made from Tule harvested from local watersheds), a prayer mound, redwood Chumash canoe (tomol), a native plants garden, trails, and a covered ceremonial area suitable for groups of 200 or more, provides a unique and inspirational environmental and cultural education venue.



Mati Waiya and Johnny Moreno leading Chumash MPA program participants down a Village Trail (left); Mati Waiya sharing Chumash maritime song during a Chumash MPA Program in Oxnard (center); Over a thousand underserved students learning about ocean conservation at the Village during World Oceans Day 2011 (right).

In 2012, Wishtoyo launched its Chumash Marine Protected Area ("MPA") Cultural Ocean Conservation Education Program (see above photos) that taught the social importance of a healthy ocean environment to 1,959 K-12 aged school children from Ventura, Los Angeles, and Santa Barbara counties during 29 Programs at the Village and schools. At least 78% of the programs were delivered to K-12 student audiences from Latino, Chumash, and politically / economically marginalized communities. The scientific, policy, and regulatory content of the Chumash MPA programs were developed with Wishtoyo's MPA education program partners: the California Department of Fish & Wildlife, Channel Islands National Marine Sanctuary, and California State Parks Channel Coast District. The Programs also incorporated Chumash maritime art, traditions, culture, songs, dance, history, and stewardship.



2011-2012 Accomplishments

Cultural Preservation

Tomol Voyages & Greeting the Pacific Islanders

In August 2011, Chumash elders and youth greeted Pacific Islanders from various nations at Paradise Cove in Malibu who were sailing around the world on vakas to honor their seafaring ancestors and bring awareness to the plight of our oceans' and their importance. Wishtoyo organized the ceremonial welcoming of the native Pacific Islanders, which included paddling out to greet the Islanders in Chumash tomols, granting the Islanders permission to land, and hosting the Islanders and the general public at Wishtoyo's Chumash Discovery Village for a meal and exchange of traditional ceremonies.



Mati Waiya and A-lul'koy greet the Pacific Islanders as they approach.

Chumash Basketry Preservation Program



Chumash basket weaver and artist, Tima Link Lotah (above). Chumash elder, Jan Olmstead Bessey harvests Juncus – prime basketry material (left).

In 2011-12, Wishtoyo continued its Chumash Basketry Preservation Program. Almost a lost cultural practice and art form, Chumash basketry is world renowned for its artistic beauty and complexity of material usage and design. Tima Link Lotah, daughter of Chumash Elder Dr. Kote Lotah, has been commissioned by the Elders to teach basketry on a multigenerational level. She weaves basket hats, cooking baskets, storage baskets, cradle boards and much more... and is our Village teacher.

Šmuwič Language School

The continuance of speaking our language - the sounds of our culture - is of great importance to Chumash cultural survival. Learning and passing on the songs, stories and dances of our ancestors is a responsibility that includes making new songs, stories and dances that reflect today. The Šmuwič Language School at Wishtoyo's Chumash Village began in 2010, and is run by Elders Johnny Moreno and Deborah Sanchez who have dedicated their lives to "reawakening our memory" by keeping the sounds of the Šmuwič language present. From 2011-2012, Wishtoyo provided language, basketry, and material cultural classes to approximately 45 students per month, and close to 1080 students in total.



Chumash Elders and youth await the landing of the Pacific Islanders, welcoming them to their homeland.



Summit of Indigenous Spiritual Leaders

In October 2011, Wishtoyo and the Amazon Conservation Team hosted indigenous spiritual leaders, healers, and shamans from Amazonia, Polynesia, South and North America to discuss the challenges and opportunities presented by the rapidly changing world we all share. This week long discussion amongst some of the most connected people to our planet, culminating in a "Declaration of the Gathering of Indigenous Spiritual Leaders & Practitioners of Nature," was shared with the public at Wishtoyo's Chumash Village.



Luhui, Mati, Amasina (Tirio tribe, Suriname Amazonia) & Charito Chicunque (Kamtza) at the Summit

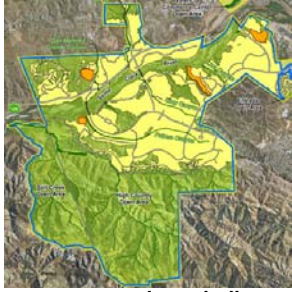


Deborah Sanchez (right) and Johnny Moreno (left) teaching at the Šmuwič Language School



2011-2012 Accomplishments

Protection of Chumash Villages, Burials Grounds, Sacred Sites, and Natural Cultural Resources



Proposed Newhall Development Footprint

Newhall Ranch

In January 2011, Wishtoyo and its Ventura Coastkeeper Program filed a California Environmental Quality Act (“CEQA”) lawsuit to overturn the California Department of Fish and Game’s regulatory approvals and environmental review of the 11,999 acre Newhall Ranch development along the Santa Clara River and its tributaries in Los Angeles and Ventura Counties. The purpose of the suit was to prevent the development from jeopardizing the watershed’s natural cultural resources such as wildlife, water supply, endangered species such as the Southern California Steelhead, and to prevent the development from displacing and



Snapshot of Newhall Ranch during Wishtoyo’s Flyover with LightHawk to ensure Newhall has not illegally commenced grading for its proposed development after the Coalition’s Superior Court victory

destroying Native American sacred grounds, burial sites villages, and cultural resources. In 2012, Wishtoyo, Center for Biological Diversity, Friends of the Santa Clara River, SCOPE, and the Native Plant Society prevailed in Superior Court, and Newhall has appealed to the California Court of Appeal.

Wishtoyo’s staff attorney briefed and argued the cultural resources and steelhead issues petitioners prevailed on, which set new CEQA precedent for protecting cultural resources and Southern California Steelhead in California. Importantly, in addition to finding the analysis of impacts to Native American cultural resources insufficient, and the mitigation measures to preserve cultural resources in place impermissibly non committal, the Court held the testimony from Chumash ceremonial elders regarding the oral history passed down only orally from generation to generation of Chumash constitutes substantial evidence.

Marine Protected Area

Implementation: After playing an important role to establish adequately protective Marine Protected Areas (“MPAs”), in 2012, Wishtoyo launched a K-12 Chumash MPA Education and Ocean Stewardship Program in partnership with the Channel Islands National Marine Sanctuary, the CA Dept. of Fish and Game, and CA State Parks to promote marine stewardship and develop a Southern California MPA constituency. In 2012, Wishtoyo’s Chumash MPA Cultural Ocean Conservation Education Program taught the social importance of a healthy ocean environment and the Malibu and Channel Islands MPAs to 1,959 K-12 aged school children from Ventura, Los Angeles, and Santa Barbara counties during 29 Programs at the Village.

Protecting the Isha’kwoch and the Santa Clara River:

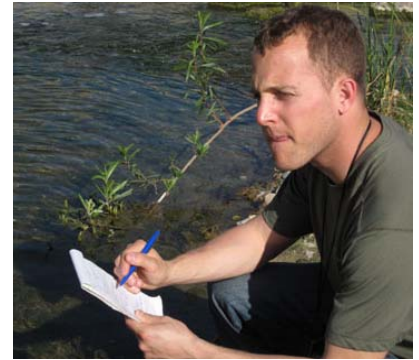
Wishtoyo advocated vigorously to protect the Isha’kwoch (Southern California Steelhead), along with Native American burials, cultural landscapes, sacred places, from the Newhall Ranch Development. Wishtoyo also pursued and prevailed in legal actions under the Clean Water Act to provide sufficient water quality for steelhead migration and rearing, and to prevent 9 million gallons per day of inadequately treated sewage from being discharged into the Santa Clara River Estuary, a crucial habitat for Isha’kwoch rearing.



Wishtoyo's Ventura Coastkeeper Program

A Message From Ventura Coastkeeper's Associate Director & Staff Attorney:

Wishtoyo's Ventura Coastkeeper Program ("VCK") is honored to be tasked with the great responsibility of protecting and restoring the ecological integrity and water quality of Ventura County's inland and coastal waterbodies that serve as the natural foundation for Venturan's economic, spiritual, and physical wellbeing.



Jason Weiner monitoring Arroyo Simi, a tributary of Calleguas Creek

The exploitation of Ventura's waters in the preceding decades has imparted never before experienced ecological, social, and economic harms and threats to the County, its neighbors, and the future generations we've loaned our natural resources from. Impassible dams; unsustainable ground water pumping; wasteful and inefficient water uses and diversions; severely polluted agricultural, urban, sewage, and industrial storm water and wastewater discharges; channelization of our rivers; and ecologically irresponsible developments have left their mark. They have decimated Southern California Steelhead, red legged frog, least bell's vireo populations; degraded the health of our aquatic and riparian communities; made locally caught fish served on our dinner plates unsafe to consume; dewatered our streams; depleted our groundwater banks; consumed critical habitat for native and endangered species, and have made our waters dangerous to drink, swim in, recreate in, and culturally utilize.

To sustain the wellbeing of Venturans and Ventura's diverse communities ranging from Chumash Native Americans and surfers, to fishermen and migrant farm workers, Ventura's waters - the public's commons - must be taken back from the private interests that exploit them for personal and corporate gain, placed in trust for the public benefit, protected from pollution, and utilized in a manner that is both sustainable and ecologically responsible. The county wide "hard path" water management approach consisting of building large centralized infrastructure to meet our growing demand for water, must be replaced with a "soft path" that utilizes a combination of decentralized technologies, conservation, efficiency, recycling, re-use, equity, water service provision, and integrated management that accommodates both current essential needs and new development without impairing the integrity of natural ecosystems.

Into 2013, Ventura Coastkeeper is providing much needed local leadership and assistance to sustain Ventura's diverse communities and their future generations. Utilizing science, legal action, advocacy, community mobilizing, educational programs, and stakeholder outreach, we are working to protect the ecological integrity and water quality of Ventura's waters, and invite all of you to join us and support our efforts.

Please enjoy reading about our 2011-2012 accomplishments that have resulted in protections for our waterbodies and that are laying the foundation for us to expand upon our work.

Yours truly,

Jason Weiner
Associate Director & Staff Attorney



Jason Weiner delivers a Marine Protected Area and Science Educational Program to K-12 Students at the Chumash Discovery Village



Wishtoyo's Ventura Coastkeeper Program

2011-2012 Accomplishments *Scientific Research, Community Involvement, & Education*

VCK's Watershed Monitoring Program

with over 40 river, estuary, wetlands, storm channel, and coastal monitoring sites, mobilized hundreds of stream team volunteers to assist with sampling and monitoring in the Calleguas Creek, Santa Clara River, Ormond Beach, and Ventura's Coastal Watersheds. The high-quality bacteria (total coliform, E. coli), nitrate, phosphate, dissolved oxygen, water temperature, flow, turbidity, trash, conductivity, and pH actionable data we collected in the field and analyzed at our California State University Channel Islands laboratory in accordance with a Regional Water Quality Control Board Quality Assurance Project Plan ("QAPP"), was used by state and regional water quality agencies to determine water quality impairments and to formulate remediation plans for swimming, fishing, wildlife, and other uses. We also used this actionable data to bring polluters into compliance with applicable state and federal regulations, to support our legal and advocacy efforts to improve water quality, and to work with land owners to stop water pollution at its source.



VCK's Watershed Monitoring Program training local incoming CSUCI scholars to monitor water quality at Calleguas Creek

Environmental Stewardship, Research, and Education Partnership with California State University

Channel Islands (CSUCI): In 2011 and 2012, VCK's and CSUCI's scientific research and education partnership provided CSUCI students with enhanced hands on professional and educational experiences, research opportunities, and internships, while providing VCK's Watershed Monitoring Program with an on campus laboratory, an increased capacity to monitor and protect Ventura County's waterbodies, and access to the student body for community mobilizing. We had 6 CSUCI watershed monitoring interns, one of whom became our first watershed associate that led stream teams. In addition, VCK worked with CSUCI professors and students to identify and commence Santa Clara River Estuary and mainstem research projects needed to inform management and restoration plans.



Jason Weiner guest lecturing on behalf of VCK for a California State University Channel Islands ("CSUCI") Watershed Management Class (left). Rebekah Wright, a CSUCI VCK Watershed Monitoring Intern, monitoring dissolved oxygen levels in the Ormond Beach Lagoon



Coastal Clean Up Day 2012 & Trash Clean Ups:

On September 15, 2012, VCK, with the support of TEVA, site captained the Mugu Rock Beach Clean Up for the 28th Annual California Coastal Clean Up Day. Our 162 volunteers cleaned up thousands of pieces of marine debris over ½ mile of shoreline. In addition, a VCK Clean Water Act Settlement funded 12 trash clean up events along the Santa Clara River and Ormond Beach Wetlands.



VCK volunteers at Coastal Clean Up Day 2012



Wishtoyo's Ventura Coastkeeper Program 2011-2012 Advocacy Work & Achievements

Clean Water Act 303 (d) Impaired Waterbody Listings: Data collected through VCK's watershed monitoring program and submitted to the State Water Resources Control Board (SWRCB) supports 29 additional 2012 Clean Water Act 303(d) impaired waterbody listings in the Santa Clara River, Ormond Beach, Bubbling Springs, Nicholas Canyon, and various Ventura County coastal watersheds for trash, flows, fish barriers, nitrate, phosphate, dissolved oxygen, E. coli, & pH impairments. If adopted by the SWRCB, the listings will mandate that California adopt Total Maximum Daily Loads (TMDLs) designed to abate the sources of pollution from municipal, industrial, and agricultural sources causing these impairments.



2012 UCLA Legal Clerks *John Haney (right) and Brian Daly (left)* analyzing samples for E. coli in VCK's lab at CSUCI



Vern Freeman Diversion Dam on the Santa Clara River & its Impossible Fish Ladder

VCK's Hearing Testimony, Submission of Extensive Comment Letters, and Community Mobilizing Played Critical Roles in:

- 1.) The adoption of an ecologically protective network of Marine Protected Areas from Point Conception to San Diego via the Marine Life Protection Act;
- 2.) The adoption of a strengthened Agricultural Discharge Waiver that holds promise of being protective of water quality;
- 3.) Protecting water quality, aquatic life, and riparian habitat in the Santa Clara River and Ormond Beach watersheds from developments and unsustainable urban planning;
- 4.) Securing an adequately protective statewide General Industrial Storm Water Permit;
- 5.) Ensuring Individual Clean Water Act Discharge Permits and County Waterway TMDLs are adequately stringent to protect waterbodies;
- 6.) Publicly owned treatment works in cities throughout Ventura County reducing raw sewage spills into inland and coastal waterways;
- 7.) County wide measures to evaluate and promote treated waste water reclamation and re-use; and
- 8.) Progress in Oxnard, Ventura, and the County to adopt plastic bag ban ordinances.



Legal Clerks Amy Streitwieser (right) & Jason Armbruster (left) stuck below the Vern Freeman Dam in the summer due to United's dewatering diversions

Santa Clara River Flow and Fish Passage: United Water Conservation District's Vern Freeman Dam, at river mile 10.5 of the Santa Clara River downstream of Santa Paula, impairs the River's ecological and beneficial public uses by dewatering the River beneath the dam and due to its dysfunctional fish passageway. VCK's advocacy and legal assistance in 2009 helped Cal Trout achieve an important legal settlement that held the promise of forcing United to implement protective measures that would be realized in a Habitat Conservation Plan (HCP). Through active and extensive involvement in United's HCP, VCK is helping to ensure meaningful and timely progress is made in selecting and implementing fish passage infrastructure over the dam that allows for volitional steelhead and lamprey migration. VCK has led the charge on researching physical solutions at United's Dam that would provide sufficient year round flows for the River and the County's water users. However, much work lies ahead in 2013 and beyond to restore the River and its flow regime for the its wildlife, native Chumash inhabitants that depend on its natural cultural resources to sustain their lifeways, and the surrounding communities of Piru, Fillmore, Santa Paula, Saticoy, Ventura, and Oxnard that desire to enjoy the River's cultural, recreational, scientific, economic, and aesthetic beneficial uses.



VCK's first CSUCI Watershed Monitoring Associate, Tom Ryan, monitoring Santa Clara River flow downstream of United's Diversion



VCK Watershed Monitoring Intern Nathan Hilpert taking a sample from Sespe Creek



Wishtoyo's Ventura Coastkeeper Program

2011-2012 Legal Action & Enforcement

Santa Clara River Estuary Clean Water Act

Sewage Effluent Case: In August 2011, Wishtoyo, its Ventura Coastkeeper Program, and Heal the Bay entered into an historic and precedent setting settlement with the City of Ventura. The settlement, resulting from our Clean Water Act citizen suit and Heal the Bay's administrative challenge to the City's NPDES permit, mandates that Ventura makes a net investment of \$55 million to reclaim between 50% to 100% of its tertiary treated effluent by 2025 that would otherwise be discharged to the Estuary. Under the agreement, Ventura can only continue discharging to the estuary if extensive ecological and hydrological studies demonstrate that a particular amount of the treated effluent is needed for the Estuary's native species. If the discharge does continue in any amount, the settlement provides additional protection for the Estuary by mandating that the effluent first go through a treatment wetland that reduces its nitrate concentrations from 8 mg/L to less than 4 mg/L. This monumental achievement will enable steelhead recovery in the Santa Clara River watershed by providing suitable water quality for juvenile steelhead survival and rearing in the Estuary; will provide up to 12 million gallons per day of water for agricultural, municipal, and industrial use; and will indirectly help restore the natural flow regime of the Santa Clara River needed for steelhead migration and its native flora and fauna.



VCK monitoring the Santa Clara Estuary (above), the City of Ventura's sewage effluent discharge to the Estuary (bottom left), and spawning Steelhead that depend upon a healthy estuary for survival (bottom right).



The Santa Clara River at VCK's monitoring location downstream of the proposed Newhall development.

Newhall Ranch Litigation Superior Court Victory (Ongoing):

In January 2011, Wishtoyo's Ventura Coastkeeper Program ("VCK") filed a California Environmental Quality Act ("CEQA") lawsuit to overturn the California Department of Fish & Game's regulatory approvals and environmental review of the 11,999 acre proposed Newhall Ranch development along the Santa Clara River and its tributaries in Los Angeles and Ventura Counties.

The purpose of VCK's involvement in the suit was to prevent the development from jeopardizing the watershed's natural cultural resources, including those of the Tataviam and Chumash, such as wildlife, water quality, water supply, and endangered species. In late 2012, Wishtoyo, VCK, Center for Biological Diversity, and the other plaintiffs prevailed in Superior Court. Newhall has since appealed. VCK's staff attorney briefed and argued the Southern California Steelhead issues petitioners prevailed on. The holding establishes new CEQA precedent for protecting Southern California steelhead by mandating that the sub-lethal impacts on steelhead from a proposed state action must be analyzed and mitigated to a less than significant impact. In the Santa Clara River, the holding would ensure that the development's discharges do not adversely impact a steelhead's sense of smell, ability to locate spawning grounds, growth needed for survival in the ocean, or swimming speed needed to avoid predators.

Once Through Cooling ("OTC")

Litigation (Ongoing): VCK and other public interest organizations joined the State Water Board in defending legal challenges to the State's OTC Policy that will protect marine life from intake of ocean water used to cool the Mandalay and Ormond Beach coastal power plants in Ventura County.





Wishtoyo's Ventura Coastkeeper Program 2011-2012 Enforcement & Legal Actions



Ormond Beach Generating Station Clean Water Act (CWA) Suit (Ongoing): In October 2012, VCK initiated a CWA citizen suit against GenOn Energy, Inc. to abate the Ormond Beach Generating Station's discharge of polluted storm water into the Ormond Beach Wetlands, Mugu Lagoon, and the Pacific Ocean.



Magic Mountain Litigation (Ongoing): In May 2012, VCK, LA Waterkeeper, and Friends of the Santa Clara River filed a Clean Water Act suit against Magic Mountain for its discharges of trash and high levels of metals into the Santa Clara River from its 240 + acre Valencia amusement park facility during storm events and dry weather conditions. The coalition is hard at work to protect the River from the Facility's operations.



City of Ventura Sanitary Sewage Overflow ("SSO") Settlement: VCK's SSO consent decree with the City of Ventura is resulting in reduced spills and enhanced maintenance of the City's sewage infrastructure. While the City is still striving to meet the decree's 2018 obligations, as of 2011, its annual frequency of raw sewage spills decreased by 33% from 2009 levels to eight SSOs. All of this spilled sewage was fully recovered before contact with surface waters, and none of the spills were greater than 100 gallons.



One of VCAP's Four Auto Dismantling Facilities Before VCK's Legal Action

Auto Dismantling Yard Storm Water Clean Water Act Litigation: In 2012, VCK secured water quality protections for the Santa Clara River and underlying groundwater aquifers from multiple Automobile Dismantling and Scrap Metal Companies operating their facilities on 37 acres off Mission Rock Rd. in Santa Paula. The decrees mandate compliance with applicable surface and groundwater water quality standards, and require groundwater monitoring of infiltrating storm water.



Standard Industries Storm Water Consent Decree Enforcement: In 2012, Standard Industries Saticoy scrap metal facility complied with our consent decree by reducing mass emissions of metals from its Facility's storm water discharges into the Santa Clara River by 95%. Into 2013, VCK is working to ensure the Facility meets end of pipe water quality standards and that the facility can replicate its mass emissions reductions during a year with above average rainfall.

E.J. Harrison & Sons Storm Water Pollution Case: In 2011, VCK settled its Clean Water Act storm water case with E.J. Harrison & Sons' Saticoy trash hauling facility. The settlement requires the construction of additional treatment infrastructure to ensure the Facility's discharges comply with water quality standards and protect the ecological, recreational, and cultural uses of the Santa Clara River and Ventura's Coast.

The Chumash Quiksilver Initiative

There is a deep and meaningful connection between The Quiksilver Foundation and the Malibu Wishtoyo Chumash Cultural Village.

The Chumash people, unlike many tribes who lived inland, thrived close to the banks of the Pacific Ocean for thousands of years, dependent on the sea, wildlife and marine resources for food, medicines, clothing, shelter, tools and utensils.

Quiksilver too, relies on the ocean and the natural world to thrive economically and has worked diligently through The Quiksilver Foundation, a non-profit organization, committed to benefiting and enhancing the quality of life for communities of boardriders across the world to support environmental, educational, health and youth-related projects.

Now, The Quiksilver Foundation is showing their commitment to sustainability and to the Malibu Wishtoyo Chumash Village with a generous donation and the creation of uniquely designed Chumash T-shirts made from organic cotton, and board shorts made of recycled polyester with graphics inspired by Chumash art, hieroglyphics and culture.

The shorts and T's will be available in spring 2013.

Quiksilver will donate a percentage of their net profits to the Wishtoyo Chumash Village, with a donation goal of \$10,000.00 for the year.

For more information: quiksilverfoundation.org

**Credits: By: Greg Root
Photos: Allen Carrasco and
Courtesy of Quiksilver**

