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# Judge says steelhead need more help in Santa Clara River

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**VC Star.**

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Conservation District, which owns the diversion dam, has already spent millions on

an effort to revamp the existing fish passage.

FILE PHOTO

Conservation groups are claiming victory in a legal case against United Water Conservation District after a federal court judge ruled the water agency had failed to adequately protect endangered steelhead trout in the Santa Clara River.

Ruling from the U.S. District Court in Santa Ana on Sept. 23, Judge David Carter declared the Santa Paula-based water agency had violated the federal Endangered Species Act by failing to ensure an adequate water supply and migratory passageway for steelhead through the Freeman Diversion dam. The ruling came in response to a lawsuit filed in June of 2016 by a coalition of environmental groups, including the local Wishtoyo Foundation.

Constructed in the late 1980s and early 1990s, the Freeman dam is about 10 miles up the Santa Clara River from the Pacific Ocean, near Saticoy. United Water's practice of diverting water from the river, together with an ineffective fish ladder at the dam, harms a steelhead's ability to migrate to and from tributaries in the upper Santa Clara River and the ocean, the judge found.

"Continued operation of (the dam) ... contributes to increase the extinction risk to endangered steelhead by reducing and at times eliminating migration opportunities and success for endangered steelhead, and precluding migration of this species to historical spawning and rearing habitat, leading to spawning failure in the Santa Clara River watershed," Carter wrote.

United Water must make sure the river has a sufficient flow of water for fish to swim between the dam and the ocean, and it must replace the

current fish ladder with new infrastructure that allows steelhead to pass through the dam, the judge ruled. United has until January of 2020 to design the infrastructure solution, working with the National Marine Fisheries Service.

Steelhead trout are a unique species of fish classified as endangered in Southern California. The trout are born in fresh water, but some migrate to the ocean where they grow larger, and then return to fresh water to spawn. The fish are vulnerable to environmental threats and degradation.

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Prior to construction of the dam, it's believed as many as 20,000 adult steelhead swam in the Santa Clara River, according to John Buse with the Center for Biological Diversity, one of the plaintiffs in the case. Since then there's been a dramatic reduction, he said, with fish counting devices tallying just a handful and sometimes no steelhead in the river each year. It will take a long time for the fish to recover, he said.

“The decision itself isn't going to bring steelhead back. It's the start of things instead of the end of things, but that start is important,” he said.

“The steelhead in the Santa Clara River are the key to recovering steelhead throughout Southern California. This is kind of the keystone population. If we can bring back some fraction of the historic steelhead runs that we once saw in the Santa Clara River, that's good news not just for Ventura County but for other areas of Southern California, as well.”

Mauricio Guardado, general manager for the United Water Conservation District, said the ruling essentially reaffirms a path that the agency is

already on. United Water is already ensuring enough water is in the river for steelhead to swim, he said. Additionally, the agency has been working with the National Marine Fisheries Service on getting a design and permit finalized for the new fish passage infrastructure, he said.

Guardado said the lawsuit cost the agency about \$2 million in legal fees and amounted to a waste of ratepayer money. However, he said the ruling does provide a hard deadline for the fish passage project, which should help spur faster action from the federal government.

“This gives us momentum,” he said. “There’s been a lot of science, a lot of analysis, a lot of meetings, and I think we’re at a point now finally with this court order that we actually see a light at the end of the tunnel and for us and our ratepayers that’s a good thing.”

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