



Saving the Isha'kwoch: litigation to protect steelhead trout continues

By [Carla Iacovetti](#) 05/28/2009

The United Water Conservation District and the U.S. Bureau of Reclamation are apparently causing quite a stir in Ventura County with their refusal to implement counteractive measures at the Vern Freeman Diversion Dam to protect and restore the Southern California steelhead trout, known in the Chumash Indian language as Isha'kwoch.

With numerous refusals to change the current situation, the Wishtoyo Foundation and its Ventura Coastkeeper Program filed on April 30 a 60-day notice of intent to sue (NOI) the district and the bureau. The foundation joins forces with California Trout (CalTrout), formed by a dozen trout and steelhead fishermen during the 1960s as the nation's first statewide conservation group, which has also been in litigation against the district and the bureau in an attempt to safeguard and restore the endangered Isha'kwoch.

Jason Weiner, the staff attorney for Ventura Coastkeeper relayed that this lawsuit addresses two vital issues for the Chumash community: to "save and restore the Isha'kwoch and the ecological integrity of the Santa Clara River," and to "protect Chumash Native American cultural resources and the well-being of Southern California's diverse communities."

The issues surrounding both the state and federal governments' involvement with California's fish and game are nothing new. This issue has been a point of contention since 2000, when other coalition groups for fishing and environment filed a lawsuit to try to enforce protection for Southern California steelhead, an anadromous type of salmon that is genetically similar to rainbow trout. Anadromous is a term used to describe fish that live in saltwater but must migrate to freshwater streams to spawn.

The National Marine Fisheries Service's final biological opinion ordered the district and the bureau to implement the necessary measures to bring immediate and long-term change at the Freeman Dam after biologists conclusively found the dam and its dysfunctional fish ladder to be hazardous to steelhead by harmfully altering its critical habitat.

Despite many attempts to rectify this ongoing endangerment, the district and the bureau remain unwavering. One of the ways that the district and the bureau have attempted to rectify the problem is with the use of European-invented fish ladders, man-made structures that are used to pass fish above blockages, usually dams. The district maintains that it will, “manage, protect, conserve and enhance the water resources of the Santa Clara River, its tributaries, and associated aquifers in the most cost-effective and environmentally balanced manner.” If its stated mission is true, then protection for the steelhead should be implemented.

Perhaps the imbalance in its ability to effectively deal with this issue lies somewhere between “cost-effective” and “environmentally balanced.” Sometimes reversing something is nearly as expensive as implementing it.

“This really is the United Water Conservation District’s issue because the operation of that facility is in their region,” said Pete Lucero, the bureau’s public affairs officer. Because this issue is currently in litigation, neither the district nor the bureau was able to comment further.

While most fish need to have free movement up and down streams, it is more critical to the life cycle of some species than others. When blockages such as dams prevent these fish from accessing essential spawning habitat, biologists can create fish ladders that allow the fish to swim around the blockage.

Sounds like an ideal situation for fish, but in the case of steelhead, which is a species that must migrate to spawning grounds, their ability to pass is being compromised by these obstructions. Thus, effective fish passage is vital to the protection and recovery of the steelhead.

“There is a feasible way for this to be remedied, but as with anything, it will take money to reverse and rectify the situation,” said Maiti Waiya, the Wishtoyo Foundation’s founder and executive director. “Our hope is that this lawsuit will enforce the district and bureau to make the necessary changes. For example, a natural rock ladder would be a great substitution, because it does not block the fish from passing over.”

The Chumash Indians were among the first people to inhabit North America, and their settlements spread from Malibu to present-day Monterey County and as far inland as the western rim of the San Joaquin Valley, encompassing approximately 7,000 square miles.

They are a people linked with nature, both spiritually and physically, and they have a very strong belief system about man’s need for control, viewing self-covetousness as a recipe for man’s ruin. The Chumash are a peaceful people with a rich heritage who are defined by their deep respect for nature. California steelhead are a part of the Chumash culture, and the tribe is affronted by the lack of respect for something it has revered for more than 2,000 years.

With a continued awareness of the spiritual and physical connection to nature, the Chumash Indians’ commitment to preserving the culture and history of their coastal communities in

Ventura County is on the rise. In addition, the Chumash are dedicated to bringing a greater awareness of the environment, encouraging citizen involvement to protect the ecosystem.

The Wishtoyo Foundation is a nonprofit organization that “protects and preserves the culture and history of coastal communities and fosters responsibility to our waters, marine habitats and watersheds through research, education, community action and, where necessary, citizen enforcement,” says Waiya. He further maintains that the foundation’s goal is to “utilize traditional Chumash beliefs, practices, songs, stories and dances to create self-respect and a greater awareness of our connection with, and dependence upon, the natural environment.”

The history behind Isha’kowoch continues to symbolize strength, endurance and reaching destinations in life. “Experiencing Isha’kowoch runs and being able to just honor the harvest of a single Isha’kowoch will allow our people to reconnect with our culture and ancestors in ways that will not be possible without the construction of a functional fish passage over the dam and sufficient flow releases that allow for Isha’kowoch migration,” Waiya said in a press release.

The Santa Clara River is the largest river system in Southern California, covering approximately 100 miles over a 1,600-square-mile watershed, and has been home to multiplied thousands of steelhead each year. Since the inception of the Freeman Dam and its dysfunctional fish ladder, California steelhead annual runs to spawn dropped from 7,000 to 9,000 20 years ago to two or fewer currently. According to the National Marine Fisheries Service, the Southern California Steelhead “is at high risk of becoming extinct in the foreseeable future.”

With the belief that “our land, water bodies and oceans are interconnected, codependent communities to which we as individuals are one of many individuals that belong,” Wishtoyo Foundation and its Ventura Coastkeeper Program aggressively pursue their right to protect the land, water and oceans.

This lawsuit against the United Water Conservation District and the U.S. Bureau of Reclamation appears to be the only way to insure that the state honors regulations, and to ensure the mandated protection of Isha’kowoch. Excuses and delay tactics have continued to be a problem, and now these groups are taking legal action to see that the Chumash Native American culture is protected, and the ecological integrity of the Santa Clara River is restored.

* * * *