



November 18, 2009

National Marine Fisheries Service
Office of Protected Resources
501 W. Ocean Blvd., Suite 4200
Long Beach CA 90802-4213
E-mail: SteelheadPlan.swr@noaa.gov

VIA E-MAIL

Re: Southern California Steelhead Recovery Plan Comments

To Whom It May Concern:

Thank you for the opportunity to comment on the Southern California Steelhead Recovery Plan (“Recovery Plan”). As a non profit dedicated to the protection of cultural and natural resources, the Wishtoyo Foundation (“Wishtoyo”) and its Ventura Coastkeeper Program appreciate and are grateful for the National Marine Fisheries Service (“NMFS”) thorough and well outlined Draft Recovery Plan. It is without a doubt that the actions laid out by the Recovery Plan, and suggested in our letter bellow, must be implemented for us to save and restore a resource that is vital to all cultures, the wellbeing of Southern California’s residents and visitors, and the functioning of our ecosystems. In commenting on the Recovery Plan, Wishtoyo and its Ventura Coastkeeper Program draw upon our longstanding work to protect Chumash and Native American cultural resources, our knowledge of Ventura County’s waterbodies, our water quality monitoring efforts conducted on more than 35 sites throughout Ventura County, and our scientific, policy, and restoration expertise pertaining to protecting the ecological integrity and water quality of coastal and inland waterbodies.

About The Wishtoyo Foundation and its Ventura Coastkeeper Program

Founded in 1997, Wishtoyo is a 501(c)(3) non profit grassroots organization with over 700 members consisting of Ventura County’s diverse residents and Chumash Native Americans. Wishtoyo’s mission is to preserve and protect Chumash culture, the culture of all of Ventura County’s diverse communities, and the environment that our current and future generations depend upon. Wishtoyo shares traditional Chumash Native American beliefs, cultural practices, songs, dances, stories, and values with the public in its Chumash Discovery Village and through educational programs in schools to promote environmental awareness and natural resources stewardship. In 2000, Wishtoyo founded its Ventura Coastkeeper Program (“VCK”). VCK’s mission is to protect, preserve, and restore the ecological integrity and

water quality of Ventura County's inland and coastal waterbodies for all beings in the County's diverse community through outreach and education, restoration projects, advocacy, litigation, and community organizing and empowerment. Wishtoyo and its Ventura Coastkeeper program believe that our land, waterbodies, and oceans are interconnected, co-dependent communities to which we as individuals, are one of many living entities that belong. As such, it is our responsibility to protect the land, water, and oceans we exist upon for the common good and to sustain our well being, co-existence, and harmony with the world and the many diverse surrounding communities that we depend on.

The Importance of the Southern California Steelhead to Chumash Culture

The Chumash Native American name for Southern California Steelhead is "Isha'kowoch" (the glistening salmon). The Chumash people have a strong cultural interest in the recovery of the Isha'kowoch, that for over 10,000 years played a significant role in sustaining healthy coastal and inland ecosystems that spiritually and physically supported the Chumash coastal communities and villages located alongside waterbodies and waterways supporting steelhead populations. To the Chumash, the glistening glow and shimmering of the Isha'kowoch in rivers, as represented in their pictographs, art, ceremonies, songs, and prayers, represents the pureness of water and the cleansing of one's soul. Additionally, the Chumash song about paddling in tomols (Chumash canoes) or tule reed boats on rivers, ponds, and coastal waters, focuses around the Isha'kowoch and the lessons it teaches us. In the song, the effort to paddle forward, like an Isha'kowoch going upstream with strength, endurance, and drive around all barriers to reach the destination, carries the paddlers through the water to where they need to go. As the song continues, the Isha'kowoch battle and cut through the water and its current, and take time to rest in ponds or pools so they can continue to where they can spawn and guarantee a future.

In modern times, the Isha'kowoch continues to be a resource whose continued thriving existence remains vital to the preservation and revitalization of Chumash culture. Living in coastal watersheds from Malibu in the South, to San Luis Obispo in the North for over 10,000 years, the Chumash people have a cultural and sovereign right to take a steelhead or two from a stream's healthy adult steelhead population for ceremonial and traditional uses; to be woken up by the splashing of thousands of steelhead whose glistening glow turns the river silver under moonlight; to enjoy and sustainably harvest native plants and critters from watersheds that depend on steelhead to provide nutrient inputs and trophic ecosystem balance; and to experience steelhead runs in combination with their currently practiced Isha'kowoch ceremonies, songs, prayers, and art to best connect with their ancestral roots and culture. Experiencing Isha'kowoch runs and being able just to honor the harvest of a single Isha'kowoch will allow Chumash people to reconnect with their culture and ancestors in ways that will not be possible without their recovery.

Suggestions to Improve Recovery Plan

The Wishtoyo Foundation and its Ventura Coastkeeper Program support the Recovery Plan, and would like to respectfully urge NMFS to incorporate these additional suggestions that we feel are necessary to help restore Southern California Steelhead Populations in Southern California, and specifically in the Ventura, Santa Clara River, and Santa Ynez Watersheds:

1. The Recovery Plan should describe the importance of the Steelhead as a cultural resource to the Chumash People (see pages 1-2 of this letter) and other Tribal Peoples, and it should lay out a plan to work with the Chumash People and other Tribal Peoples to help restore the Steelhead (Isha'kowoch). Drawing upon their cultural relationship with and their knowledge of the Steelhead, the Chumash and other Tribal Peoples can play an important role in public education and outreach, advocacy, restoration projects, dam removal, scientific studies, and additional efforts to help restore Southern California Steelhead populations. Furthermore, the Chumash and other Native American people should be given an opportunity to participate in the restoration and management of a resource they have depended on and cherished for 10,000 years, and that has been taken from them and all of us by private interests and the erosion of democracy.
2. The Recovery Plan should specifically recommend the promulgation of "Instream Flow Regulations" to sufficiently protect the natural flow regimes necessary for Steelhead revival on "Core 1" rivers and their tributaries, including the Ventura River, Santa Clara River, and Santa Ynez River. Properly crafted Instream flow regulations should curtail surface water diversions and ground water pumping sufficiently enough to protect the natural flow regimes needed for Southern California Steelhead survival and recovery, and should mandate low impact development and retrofitting of existing stormwater infrastructure that will allow precipitation to infiltrate into the ground and sustainably feed rivers with the base flow the rivers need to maintain adequate flows for steelhead survival. Properly crafted instream flow regulations will also mandate adequate flow releases from dams and will provide for the implementation of off stream storage to capture high flows during precipitation events that are not needed for steelhead migration. Additionally, properly crafted instream flow regulations will prevent dewatering of critical steelhead habitats. By curtailing water withdrawals, the instream flow regulations will also lead to water conservation/efficiency measures, which will ensure the provision of adequate water supplies for municipal, agricultural, and industrial uses. Furthermore, instream flow regulations should require the implementation of adequate studies to determine the natural flow regimes of applicable rivers and to determine the flows needed to mimic those regimes for steelhead recovery and survival. For a comparative example of how instream flow regulations could be promulgated effectively for Southern California Streams, see: Weiner, Jason, *The Insufficiency of New Hampshire's Instream Flow Regulation to Ensure the Viability of its Rivers as Economic, Environmental, and Social Assets*, 12 U. Denv. Water L. Rev. 377 (2009).
3. To ensure adequate flows remain instream to support steelhead recovery and survival, water conservation measures from agricultural and municipal stakeholders should be further highlighted and prioritized in the Recovery Plan as measures that must be implemented for Steelhead recovery.
4. The Recovery Plan should specifically state that rock ramp fish passages should be constructed where technically feasible if "if dam modification (including removal or breaching) is determined to be technically or economically infeasible." (Draft

Recovery Plan, pg.66). The impetus for this suggestion is that too many fish passage systems or ladders that do not allow for steelhead migration have been built or installed as a result of what seems to be bad faith efforts by responsible parties merely to comply with applicable regulations at the lowest possible cost. If proper fish passage systems are installed, in the long run, it will save dam operators the cost of having to construct alternative fish passages that allow for steelhead migration. Specifically, the Recovery Plan should recommend that a rock ramp is needed for the Vern Freeman Diversion Dam on the Santa Clara River to achieve unimpeded volitional steelhead migration. In the decades before the Vern Freeman Dam was constructed and began to block steelhead access to their spawning and rearing grounds, it is estimated that over 8,000 steelhead migrated up the Santa Clara River annually to their spawning grounds. Properly constructed rock ramps, which provide both for adequate fish passage and release of natural flows, have been constructed across the country, which demonstrates their economic feasibility.

5. For the “Critical Recovery Actions” listed in table 6-2 and table 8-3 for Core 1 populations add:
 - i. For the Ventura River add: implement measures to reduce nutrient and pesticide loading.
 - ii. For the Santa Clara River add: Phase out the sewage discharge from the City of San Buenaventura Ventura Water Reclamation Facility (“Ventura POTW”) to the Santa Clara River Estuary. The phase out of the Ventura POTW’s discharge to the Santa Clara River Estuary is important to steelhead recovery because currently the Ventura POTW’s discharge of million of gallons of sewage effluent per day contains concentrations of nitrate over 20mg/l, and even with planned upgrades to be completed in 2011, the Ventura POTW will discharge treated sewage effluent with nitrate concentrations between 8-9 mg/l. Any discharge of effluent with concentrations of nitrate in excess of 1 mg/l can cause eutrophic conditions that can be lethal to steelhead.¹ Furthermore, the sewage discharge from the Ventura POTW contains concentrations of metals and emerging contaminants such as pharmaceuticals that pose chronic and acute toxicity threats to steelhead residing in the estuary. Section 8.3, pg 91, should thus also highlight the discharge from the Ventura Water Reclamation Facility as impairment and threat to steelhead occupying the estuary.
 - iii. For the Santa Clara River also add: implement measures to reduce nutrient, pesticide, trash, and metals loading.
6. The Delisting Criteria for Southern California as Endangered Species should be revised to incorporate the precautionary principal as a guiding factor for delisting Southern California Steelhead to best ensure their continued existence and survival.

¹See Resolution NO. R08-006, Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Eutrophic, Algae, Ammonia, and Odors (Nutrient) for Machado Lake, California Regional Water Quality Control Board, Los Angeles Region.

7. The DPS Wide Recovery Actions should also emphasize preventing pollutants from impairing steelhead occupied waters from industrial, agricultural, and municipal stormwater runoff.
8. The Santa Paula Creek, a tributary to the Santa Clara River, should be highlighted throughout the Recovery Plan as a tributary with high quality steelhead spawning and rearing habitat, and should be prioritized for restoration. Accordingly, under Section 8.3, current watershed conditions, we suggest the listing of fish passage barriers on the Santa Paula Creek as barriers that effectively block fish passage to prime spawning and rearing habitat in a major tributary. Additionally, for the “Critical Recovery Actions” listed in table 6-2 for Core 1 populations add: remove fish barriers on the Santa Paula Creek.
9. Aggressive and realistically achievable schedules for steelhead recovery should be included in the Recovery Plan, as immediate attention is needed to abate the threats to steelhead from insufficient flows, dams and other fish barriers such as dysfunctional fish passages, and discharges of pollutants into steelhead habitats. While the Recovery Plan properly identifies the biggest threats to Southern California Steelhead as dams and water supply projects, without schedules to start implementing the Recovery Plan immediately and to achieve the measures set forth in the Recovery Plan, the prospects for recovery of the Southern California Steelhead is concerning.

Thank you for considering of our comments. Please feel free to contact us with any questions or for assistance with improving and implementing the Recovery Plan.

Suku (Respectfully),



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