



**WISHTOYO**  
CHUMASH FOUNDATION



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**Appeals Court Victory Secures Steelhead Protection on California's Santa Clara River**

SAN FRANCISCO— The Ninth Circuit Court of Appeals today affirmed a federal court's 2018 ruling that the United Water Conservation District violated the Endangered Species Act by jeopardizing steelhead survival and recovery in the Santa Clara River as a result of its inadequate fish ladder and diversion of river flows at the Vern Freeman Dam near Santa Paula.

Today's decision affirms the 2018 ruling, which ordered United to design and implement a needed long-term steelhead passage solution for the dam and to release sufficient water downstream needed for steelhead migration. The new ruling rejects all of United's arguments on appeal.

“The Ninth Circuit's decision is a culmination of years of hard fought and necessary litigation to save a species and watershed,” said Jason Weiner, senior counsel for Wishtoyo Chumash Foundation. “With it in hand, we expect that significant progress will be made in protecting and restoring the steelhead, which have been decimated by United's dam, diversion and long-standing pattern and practice of inaction. United is now required to fix what it has wronged.”

“The Ninth Circuit's ruling signals that the courts won't tolerate more foot-dragging on measures to protect endangered steelhead,” said John Buse, senior counsel for the Center for Biological Diversity. “United officials need to get on with their court-ordered duty to design and quickly implement effective fish passage for the Vern Freeman Dam.”

“Our victory today is important for all First Nations Peoples that place a critical cultural value on endangered steelhead that were once abundant in our coastal watersheds,” said Mati Waiya, Wishtoyo Chumash Foundation executive director and ceremonial elder of the Santa Clara River Turtle Clan. “Wishtoyo is grateful to its talented and hard-working legal team on the case, and remains ever vigilant in its mission to protect the *Utom* (Santa Clara) River's and Southern California's natural cultural resources.”

The ruling resolves a lawsuit filed in 2016 by Wishtoyo Chumash Foundation and the Center for Biological Diversity. The groups were represented on appeal by lead counsel Christopher Sproul of Environmental Advocates; Jason Weiner, senior counsel for Wishtoyo Foundation, and John Buse of the Center for Biological Diversity.