

SANTA PAULA

United Water Conservation District sued by environmental groups over fish passage



STAR FILE PHOTO The Wishtoyo Foundation has filed a federal lawsuit against the district that owns the Freeman Diversion Dam near Saticoy, saying the dam blocks passage of endangered steelhead trout on the Santa Clara River. The United Water Conservation District, which owns the diversion dam, has already spent millions on an effort to revamp the existing fish passage.

By *Gretchen Wenner* of the *Ventura County Star*

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Environmental groups have filed a federal lawsuit against the United Water Conservation District alleging one of the district's facilities near Saticoy blocks runs of endangered steelhead trout on the Santa Clara River.

The suit filed last week in Los Angeles district court cites provisions of the Endangered Species Act. It alleges a dam used by United to divert river flows harms endangered fish and other wildlife. The Wishtoyo Foundation, its Ventura Coastkeeper program and the Center for Biological Diversity are plaintiffs.

United is a major player in local water supplies for both the agricultural industry and the cities of Oxnard, Port Hueneme, Ventura, Santa Paula and Fillmore. It owns and operates Lake Piru, a man-made reservoir created by construction of the Santa Felicia Dam in the 1950s. United manages releases from Lake Piru to the Santa Clara River to provide drinking and irrigation water as well as to maintain critical habitat for the endangered steelhead.

Farther downstream is the district's smaller Vern Freeman Diversion Dam near Saticoy, which was built in the 1990s to help recharge groundwater supplies. The Freeman diversion and nearby United recharge facilities are located where geological conditions allow replenishment of aquifers that extend deep underground below the Oxnard Plain and elsewhere.

United has been working on a multiyear, multimillion-dollar project to revamp the

original fish passage at the Freeman diversion. The most recent cost estimates run as high as \$40 million. The figure is huge for an agency with projected revenues of about \$13.6 million in the new fiscal year that starts in July. The entire Freeman diversion cost roughly \$31 million to build in the 1990s.

The Wishtoyo lawsuit concerns the Freeman diversion dam. The groups contend it prevents steelhead from getting to prime habitat farther upstream.

"Its fish ladder is ineffective, and the dam now blocks almost all access to historic steelhead spawning areas," Wishtoyo officials said in a statement.

The suit asks a judge to find that United has been harming endangered animals without federal authorization and seeks a temporary restraining order, among other things, as well as attorney fees.

United's general manager, Mauricio Guardado, said the district strongly disagrees with the allegations.

"United has walked a careful line between being rigorous environmental stewards and protecting the aquifers," Guardado said in a statement. "This is difficult, expensive work and this lawsuit only delays our plans to build a new fish passage."

The district has assembled a panel of world-renowned fish experts for the purpose and has already spent nearly \$10 million on the effort, he wrote, adding the litigation "only forces us to expend limited public resources on costly and time-consuming court proceedings" that distract from conservation efforts.

Wishtoyo had announced in February it intended to file the federal lawsuit.

About Gretchen Wenner

Gretchen Wenner covers Oxnard city hall and local groundwater.

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