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**NOTICE OF INTENT TO SUE FILED AGAINST UNITED WATER &
BUREAU OF RECLAMATION**

Move Aims to Protect Endangered Southern California Steelhead

Saticoy, Calif. – Conservation and advocacy group California Trout today filed a 60-Day Notice of Intent to Sue (NOI) United Water Conservation District (United) and the U.S. Bureau of Reclamation (Bureau) for violations of the Endangered Species Act. The NOI asserts that United and the Bureau are causing ongoing harm, harassment and death to the endangered Southern California steelhead at the Vern Freeman Diversion Dam.

It follows the July release of a Biological Opinion by the National Marine Fisheries Service that outlines the ways that the Freeman Diversion jeopardizes steelhead and the remedies to ensure the species' survival. The NOI focuses on the lack of action by United and the Bureau of Reclamation to implement the actions specified in the opinion for protection of the steelhead.

“It is never our first choice to file a law suit,” said Nica K. Knite, Southern California Regional Manager for California Trout. “But our first concern is for the few remaining Southern California steelhead, and both United and the Bureau seem committed to business as usual at Vern Freeman without regard to the NMFS findings and no matter what the cost to the fish.”

The federal Endangered Species Act (ESA) prohibits unauthorized “take” of an endangered species and requires federal agencies that authorize or fund projects such as dams to consult with the National Marine Fisheries Service (NMFS) when operations might jeopardize an endangered species or adversely modify its critical habitat. Since the Southern California steelhead was listed as an endangered species in 1997, the Bureau and United have been obligated to complete such a consultation for the operations of the Vern Freeman Diversion Dam on the Santa Clara River.

Southern California steelhead, once plentiful in this region, have seen their numbers dwindle to fewer than 500 individual adults throughout the Southern California coastline. The Vern Freeman Diversion Dam has a long, low design that makes passage for steelhead particularly difficult. Although the Freeman Diversion has a fish ladder, its placement and design do not work for steelhead, which causes continuing harm to these extremely endangered fish.

After a years long consultation process that began in 2004, on July 23, 2008 NMFS issued a thorough and well substantiated Final Biological Opinion with a definitive finding that operations at the Freeman Diversion jeopardize Southern California steelhead and adversely modify its critical habitat. This Opinion requires interim and long-term corrective measures at the facility that would protect steelhead. It specifies that the process for implementing these improvements start immediately, and that interim measures be implemented no later than December 21, 2008.

To date, neither United nor Reclamation has taken any meaningful action to fulfill the requirements from NMFS. California Trout has therefore [once again] filed an NOI in order to improve the odds for steelhead survival on the Santa Clara River.

Both United and the Bureau have repeatedly delayed the required consultation with NMFS. It was not until California Trout filed its first Sixty Day Notice of Intent to Sue for ESA violations in September 2004 that United and the Bureau engaged in consultation with NMFS about steelhead passage at the Freeman Diversion. In December of 2004, the parties agreed to proceed with formal consultation and to complete a Final Biological Opinion by December of 2005. But even then United and Bureau delayed this work.

Steelhead are native to the Santa Clara River. The Freeman Diversion harms these fish by making it impossible for returning adults to migrate upstream into vital habitat areas to spawn. The NMFS Biological Opinion shows that the Freeman fish ladder does not work for steelhead. It also identifies solutions that are both logistically and financially feasible.

“California Trout has patiently watched, waited, and advocated for more than a decade as steelhead populations dwindle to critically low numbers,” added Knite. “Now that the consultation is over, immediate implementation must start so that steelhead have the opportunity to experience benefits *this* season. We can’t afford to wait another year. We need to let these steelhead go home.”

The Endangered Species Act provides for suits by citizens to enforce the Act when a violation occurs. The Act requires that before a citizens’ suit may be filed, 60 days notice be given of the intent to file the suit, in which time action may be taken to remedy the violation.

About California Trout: Founded in 1971, California Trout was the first statewide conservation group to focus on securing protections for California’s unparalleled wild and native trout, salmon, and steelhead diversity. Working with local communities, business, partners and government agencies, California Trout employs conservation science, education, and advocacy to craft effective policy for California’s water resources and fisheries.

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