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100 Trout Lead Court to Reject Plan to Tap Ventura River

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Concern about 100 steelhead trout, living in one of the rare wet stretches of the Ventura River, has thwarted a plan by local officials to divert part of the stream for use in a drought.

The state Court of Appeal last week rejected the 5-year-old agreement between Ventura and the Casitas Municipal Water District, ruling that the loss of water from the river would probably destroy its already depleted fish population.

Although officials had proposed several measures designed to limit the damage, the court concluded that there was still no evidence to "substantially lessen the likelihood that this remnant run of steelhead will be decimated."

Friends of the Ventura River, an environmental group that has fought since 1984 to block the plan, applauded the ruling as a reprieve for what was once one of the world's greatest steelhead runs.

'Like a Sponge'

"They simply want to take all the water they can, squeezing it out like a sponge," said Charlie Price, a former county Fish and Game Commissioner and president of the group. "But there are limits as to what Mother Nature is going to allow us to do on this planet. You cannot take more than there is."

But Ventura officials, who said the reduction in river levels would not harm the trout, contended they had struck a balance between ecological concerns and the quest to bolster precious water reserves.

The diversion, they said, would guarantee residents a steady flow of water during drought years, while a dry spell now could cost the city as much as 20% of its water supply.

"It's really a small quantity of water we're talking about here, but it would keep us from suffering a large loss during drought years," said deputy city attorney Ariel Pierre Calonne.

The plan, a complicated arrangement that has generated a foot-high stack of court records over the last several years, was first proposed in 1976 as a way to resolve a longstanding dispute between Ventura and the Casitas district over water rights to the river.

The agreement would allow Casitas to divert more water than it traditionally has drawn at Robles Dam, about 6 1/2 miles upstream from Ventura. In return, the city, which extracts a yearly average from the river of about 6,000 acre-feet, or about 25% of its total water supply, would be guaranteed that water by Casitas.

The value of that arrangement is illustrated by the 1951 drought, when the city drew only 1,463 acre-feet from the river, said Calonne.

But while the deal worked well for Ventura and Casitas officials, local environmentalists thought otherwise. Basing their arguments on the California Environmental Quality Act, which specifies that public agencies must "take all action necessary" to protect ecological resources, they filed suit in Ventura County Superior Court to block the agreement.

Dangerous Levels

The increased diversion at Robles Dam, they argued, would reduce stream flow to dangerous levels in the river's 1.5-mile "Live Stretch," a segment between Ventura's Foster Park and the San Antonio Creek that is one of the few spots where the Ventura River runs year-round.

The estimated 100 steelhead that inhabit that stretch depend on a stream flow of two to four cubic feet per second, said Philip A. Seymour, chief counsel for the Santa Barbara-based Environmental Defense Center, which represented Friends of the Ventura River.

Those levels not only create the dynamic necessary for sustaining aquatic life, but, when supplemented by winter rains, carry the young trout out to sea, Seymour said. Once at sea, they migrate back upstream to spawn.

The Environmental Impact Report submitted by Ventura and the Casitas district estimated that the diversion would more than halve stream flow in the Live Stretch much of the time, and occasionally cause the year-round flow to cease.

Ultimate Barometer

"That's just not adequate," Seymour said. "Those steelhead are the ultimate barometer of the river. If they go, that's a sign that the river has lost its value."

About 4,000 to 6,000 steelhead once thrived in the 25-mile-long river, which was considered the world's second most productive steelhead habitat, behind Santa Barbara County's Santa Ynez River, said Price.

Both rivers have since lost their status. In 1949, the Matilija Dam and, ten years later, the Robles Dam, dried up most of what lay downstream on the Ventura River.

To mitigate further damage to the fish, Ventura and Casitas proposed that the diversion program begin as a five-year, carefully monitored trial operation during which they would "take appropriate measures to prevent significant impacts on the environment" should problems arise.

In addition, they agreed to pump additional water into the Live Stretch during dry months so that a minimum stream flow of one cubic foot per second would always be maintained.

No Evidence

The environmentalists, the city and district said, had not shown "one shred of evidence suggesting that steelhead will be lost, or even significantly injured, during the brief five-year trial operation."

After a hearing early last year, Superior Court Judge Joe Hadden agreed. But Friends of the Ventura River appealed, and in the June 9 ruling, the appellate court harshly rejected the proposed mitigation measures.

"The record reveals that it is mere wishful thinking that a one cubic-foot-per-second flow, coupled with monitoring and a vague promise to intercede if disaster strikes, would substantially lessen the impending peril that faces the steelhead under this agreement," the court wrote.

City and district officials have not indicated whether they will appeal the decision or seek to develop more stringent mitigation measures.