



## Ventura County Coalition of Labor, Agriculture and Business

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Department of Commerce – National Oceanic and Atmospheric Administration (NOAA)  
Department of the Interior - Fish and Wildlife Service (FWS)

Transmitted via email to: [unitedwaterhcp@noaa.gov](mailto:unitedwaterhcp@noaa.gov)

### Comments on the NOI to prepare an EIS under NEPA for anticipated incidental take permits and HCP for United Water Conservation District in the Santa Clara River Watershed

Thank you for the opportunity for Colab, Ventura County, to comment on the above Notice of Intent (NOI). We represent 300 members, primarily agricultural owners and business in Ventura County. Agricultural businesses here are generally small and privately owned. Land for farming is expensive and the threats to agriculture continually increase including pest invasions, lack of labor, regulatory compliance, energy costs, and of course water quality and supply. Farming in the County relies mainly on groundwater supply and the recent multi-year drought is causing an overdraft condition in aquifers that are critical for our drinking water and food supply.

The United Water Conservation District (UWCD) operates the Freeman Diversion in the lower Santa Clara River to divert water to aquifers during high flow conditions to replenish groundwater supply and prevent salt water intrusion. As UWCD says: “The continued success of this (agricultural) industry depends on the quality, reliability and affordability of its water supply”. The operation of the Freeman Diversion is critical to providing adequate quantity and quality of water for the agriculture beneficial use in this watershed.

According to the NOI, a draft EIS will be prepared to “evaluate the impacts of several alternatives related to the issuance of incidental take permits to United as well as the impacts of the implementation of the supporting Multiple Species Habitat Conservation Plan (HCP). The permits would authorize the incidental take of threatened and endangered species that could occur as a result of United’s current and future water management activities.” With respect to the request for public assistance in the scope of the EIS, CoLAB VC, recommends the following:

- 1) Data on historical flows in the Santa Clara River are reported to be “disparate and incomplete due to the dynamic nature of the river and program changes of the local government” (UWCD Vern Freeman Dam Fish Passage Conceptual Design Report, 9-15-10). The EIS must take into account the intermittent and ephemeral nature of the river, with most of the streamflow related to floodflows, and realistically estimate its ability to support populations of the southern California steelhead and other species.
- 2) The Santa Clara River is known to be at the southern fringe of the southern California steelhead’s range and dry years would likely preclude spawning success even under natural conditions. The EIS must not impose unreasonable restrictions in dry years where spawning success is unlikely regardless of mitigation measures.
- 3) Recent analysis of environmental impacts to the southern California steelhead has largely ignored the data showing train loads of trout/steelhead planted in the Santa Clara and Ventura Rivers from the

1870's up to around 1940. Tens to hundreds of thousands of fish were stocked according to a report by Jim Kentosh of UWCS: *The History of Steelhead and Rainbow Trout in Ventura County, Volume II, Scientific and Historical Accounts*. In addition, the report states that "while steelhead were documented at numerous prehistoric coastal archaeological sites within their known range... Salmonid remains were rare in these streams, however, and only steelhead were documented from this region. Over 117,000 fish remains were evaluated to make this judgment." The EIS analysis must take into account the unlikely realistic probability of large numbers of steelhead being restored to an ecosystem that has huge variability in flow, a history of drought conditions and a questionable historic presence in significant numbers in the river.

4) The EIS must take into account that agriculture is a beneficial use in the watershed and as such water quality and quantity must be protected for this use. The permanent removal of the Freeman Diversion cannot be a realistic alternative as it will cause degradation of the aquifers fed by the Santa Clara River due to salt water intrusion, particularly in drought years.

5) The EIS must also take into account the MUN beneficial use in the Santa Clara River. Drinking water is drawn from the aquifers for the cities of Ventura and Oxnard downstream of the Freeman Diversion. These aquifers are greatly benefited by the recharge provided by the diversion and any reduction in diverted water would negatively impact this beneficial use.

In conclusion, we applaud the efforts of UWCD in preparing the HCP and EIR under CEQA. Further, we support a cost-effective solution in constructing a new fish passage while granting UWCD increased water rights and a 50 year permit to operate the diversion for the benefit of both the Covered Species and the human environment.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Gray Jensen".

Lynn Gray Jensen

Executive Director