

RECEIVED

Ed Henke

Historical Research

JUL 13 1998

769 Lisa Lane • Ashland, Oregon 97520 • 541-482-9578

COUNTY SUPERVISOR
4th DISTRICT

July 6, 1998

Mr. Roger G. Patterson, Regional Director
U.S. Dept. of Interior
Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way
Sacramento, CA 95825-1898

JUDY

CONNIE

KEITH

ROBBIE

Subject: Seismic safety modernization project plan for Casitas Dam, Ventura, California... Redesign the project to provide for legally required mitigation for major losses of "In-Stream Values"

Dear Mr. Patterson,

On July 19, 1941, the 77th Congress, first session, House of Representatives, Document #323 was introduced by letter to the Speaker of the House by the Secretary of War, Henry L. Stimson. The Secretary was transmitting the contents of a letter and report dated April 25, 1941 from the Chief of Engineers, U.S. Army, on a preliminary examination and survey of the Ventura River, Ventura County California authorized by the Flood Control Act approved August 28, 1937, and of Ventura Harbor, California authorized by the Flood Control Act approved June 22, 1936. The following are brief extractions from this document, #323, found to be relevant to this subject under discussion...

• Per Point (2), Page (2)... *"The district engineer has investigated several possible flood control plans, including those suggested by local interests. He finds that most of the flood losses have occurred in two sections, in and near the city of Ventura on the lower Ventura River, and in the city of Ojai below Stewart Canyon, and that flood control is not justified for other than these sections."* (My emphasis.) *"He reports that reservoirs either for flood control alone or for flood control and water conservation, as desired by local interests, are impractical due to excessive costs."* (My emphasis.)

• Per Point (36), Page (15)... “A public hearing was held in Ventura, California, October 19, 1937, which was attended by about 90 persons, including local, city, and county officials, representatives of the State, U.S. Department of Agriculture, and various civic organizations, as well as the general public. The hearing disclosed, in general, the local interests desired:

- a) “Improvement for flood control of the channel of the Ventura River from the ocean to a point (15.4) miles upstream, which is near the base of the mountains.”
- b) “The construction of the dam on Coyote Creek, with a view to flood control and water conservation combined.”
- c) “The construction of dams on Matilija and San Antonio Creeks, with a view to flood control and water conservation combined.”
- d) “The construction of debris basins and channel improvement on the tributaries of San Antonio Creek for the protection of the city of Ojai and Citrus Grows in Ojai Valley.”
- e) “Protection of the brush cover in the drainage basin and maximum practicable conservation of water incidental to flood control.”

• Per (37), Page (15)... “Although in favor of flood control, some local groups oppose the construction of storage dams in the basin of the Ventura River, **the objections being based on the contention that there are no sites suitable for the construction of safe dams.**” (My emphasis.)

• Per Point (38), Page (15)... “The improvements desired by the city of Ventura are included in a plan for an additional municipal water supply which provides for a dam and storage reservoir at Hoffman site on Coyote Creek, including provisions for augmenting the water supplies from Coyote Creek by diverting flood waters into the storage basin from the Ventura River... **in connection with the local study resulting in the development of this plan, storage sites on Matilija and San Antonio Creeks were considered and found infeasible.**” (My emphasis.)

• *Per Point (46), Page (18)... “The three sites located on tributaries of the Ventura River are the Matilija on Matilija Creek just upstream from its junction with the North Fork at Ventura River, San Antonio on that creek (4.4) miles above its mouth, and the Hoffman site on Coyote Creek (4.1) miles above its mouth. **An investigation indicated that reservoirs at the three sites named would not provide adequate flood control on the lower Ventura River.**” (My emphasis.)*

• *Per Point (46), Page (18)... “Preliminary studies indicated that use of the Foster Park Dam and reservoir located on the Ventura River, at river mile (6) below all important tributaries, might be warranted as a multi-purpose project for flood control and water conservation combined... **It was found that the foundation and abutments are poor and that a dam at this site would be costly**” (My emphasis.)*

The Ventura River Water Development Project went forcefully ahead with the passage of the 1945 Water Bond Issue in the face of the 1941 Corps of Engineers recommendations; the general public's input of October 19, 1937 with groups expressing their views that there was no safe sites for dam construction; the Corps evaluation of the proposed Foster Park site would have poor foundation and abutments which is exactly what has transpired in part with the ongoing deterioration and safety concerns of the Matilija Dam's concrete arch and movements in the abutments. The general public would only have to look back a short time to see the results of dam failures within the immediate area to begin expressing major concerns over future proposed dam building sites, etc. on the Ventura River System...

• St. Francis Dam (concrete) on San Francisquito Creek, Los Angeles, collapsed in 1928 due to structural failure and caused loss of life and 13.5 million dollars in property damage to the Santa Clara Valley.

• Sheffield Dam - Mission Ridge (earth-rolled, 4-inch concrete upstream side) on Sycamore Creek, Santa Barbara, collapsed in 1925 as a result of an earthquake slide.

- Sepulveda Canyon Dam (earth filled, 2-feet thick reinforced concrete core) Sawtelle (Los Angeles area) failed in 1914 due to over-topping.

And more recent...

- Baldwin Hills Dam (earth-filled), Baldwin Hills (Los Angeles area) ruptured in late 1963 due to fluid extraction and a resultant subsidence created by nearby Englewood oil field. There were 5 deaths and 10 million dollars in property damage.

I have been conducting Historical Research on anadromous/migratory Salmonids in southern California waters going on 5 years now, and have taken note of a document created on November 15, 1947 by Richard A. Jamison, hydraulic engineer, directed to the Ventura County Flood Control District referencing storage capacity for Casitas Reservoir at 22,500 A.F. In 1956, some 9 years following this document, and some 11 years following the passage of the 1945 Ventura River Water Development Project Bond Issue, the storage capacity for the Casitas Dam had increased some 11.3 times the original stated storage capacity (1947), to a 252,000-254,000 A.F. capacity (1956). It certainly smacks of a dupe job on the general citizenry to help promote the passage of the 1945 Bond Issue and get the future planned overall water development project for the Ventura River System out of the blocks... water development interests had already received two previous defeats at the polls. When considering the Corps of Engineers 1941 presentation to Congress, giving an almost 100% thumbs-down recommendation to the county's proposed multiple dam building proposal; a gigantic increase in water storage capacity (1947-1956) and dam wall size; ultimate major increases in cost; major miscalculations of the safety factors involved, etc., etc., one would have to question the integrity of the whole damn project from its very inception.

Not only should the Casitas Dam be upgraded for seismic safety purposes, but at the same time the total project should be redesigned to provide for the losses of **“In-stream Values,” “Public Trust Assets,”** of the Ventura River System which have been all but extirpated as a result of the operations of the Casitas Dam and its Robles Diversion-Dam Canal; the Matilija Dam and through general abuses/deleterious affects inflicted upon this river system's native indigenous cold-water aquatic resources over the past 50+ years.

The U.S. Fish and Wildlife Services Biological Services Program: *Assessment of Effects of Altered Stream Flow Characteristics on Fish and Wildlife*, Part B, California Case Studies by Jones and Stokes, Inc. (contractors for) Sacramento, California December 1976, Case Study 74, excerpts Page 565: *“Immediately prior to construction of Casitas Dam there was no record of steelhead migrations into the Ventura River or Coyote Creek. Fishery resources in the project area were limited in size and distribution.”* Page 567: *“Because there was no record of steelhead migration immediately prior to the construction of the Casitas Dam project **no mitigating features or in-stream flow considerations were included in the project development.**”* (My emphasis.) The quoted statement per Page 565 is 100% false and inaccurate! I have pictures of Steelhead taken in the Ventura River both prior and subsequent to the building of the Casitas Dam and oral history subjects have verified their own personal taking of adult Steelhead in both the Ventura River and its major tributary system, Coyote Creek during the stated period of time. As the dam wall was being completed (1958) and water was spilling over into Coyote Creek a number of witnesses saw large adult Steelhead laying directly below the dam wall and trying desperately to get over... one witness saw two fish making it over the dam’s spillway wall. Also, an oral history subject stated that he personally called the California Department Fish and Game Region V office and advised them of what was happening. He reported there was a sense of indifference and lack of response from them. As stated, California representatives were never visible at the scene, during this period, while many onlookers were actually watching these fish struggling to gain access to their historical spawning and rearing habitat – upper Coyote and Santa Ana Creeks. Obviously, the quote on Page 567 is a repeat of such an absolutely inaccurate statement of 565, and then it was no doubt used as ‘credible’ evidence to allow the Casitas Municipal Water District, the State and Feds, to squirm out from under providing any legally required mitigating measures such as ‘In-stream Flows’. (Section 5937, California Department of Fish and Game Code.) A “Fish-Way” over or around the dam wall or a physical “Rearing Facility.” There has been no evidence of any study being made by any agency, – county, state, federal – to substantiate their quote, stating that there was no more evidence of adult Southern Steelhead entering the Ventura River for their

spawning runs just prior to the completion of Casitas Dam. If so, it is completely inaccurate.

A number of government agencies had been involved in discussing a potential “**Fish-Ladder**” for the Robles Diversion-Dam Canal. It finally climaxed when a top official with the California Department Fish and Game was asked to comment on the plans and progress and he responded by written communication on July 5, 1956 per the following: *“I was asked to comment on the Fish-Ladder plans for the Robles Diversion-Dam transmitted with your letter of June 20. In my opinion, the proposed Fish-Ladder is very poorly designed,”* and went on to give multiple reasons why. The whole plan was dropped due to the anticipated high cost and judged to be a waste of money based upon unlikely returns of fish. *“If the future warranted, it would be considered,”* was an agency’s quote.

Fortunately, in 1998 there are some Steelhead returning to spawn in a few remaining puddles in the Ventura River System, with no thanks to the Ventura River Water Development Project as implemented. All agencies, local, county, state and federal have violated “**Public Trust**” responsibilities as it pertains to preserving and maintaining the historical “**In-stream Values**” of the Ventura River System... It is very appropriate now, to start making amends. Section 5937 of the California Department Fish and Game Code states very clearly what the state’s responsibility is when dams and water diversions are being contemplated. The 9th Circuit Court of Appeals ruled on June 24, 1998 that the U.S. Bureau of Reclamation must follow the California Department Fish and Game Code which requires water development projects to provide water for fish. This came as a result of the Natural Resources Defense Council lawsuit of 10 years ago alleging that the Bureau of Reclamation violated the “**Endangered Species Act**” by not considering ecological effects when issuing water contracts to growers for Friant Dam water (San Joaquin River.)

There are a host of considerations when contemplating a redesign process as major deterioration and damage has been inflicted upon historical native/indigenous cold-water aquatic resources of the Ventura River System for well over 50 years. The many “**In-stream Values**” have been decimated and numerous naturally occurring life forms are on the threshold of near collapse: the Ventura River’s “**Endangered Southern Steelhead**”; native/resident Coastal Rainbow; the Tide Water Goby; the Red-

Legged Frog; eels, turtles, water snakes; chubs; sticklebacks; etc., etc., The Southern Steelhead (Haplotype V) is of the very oldest vintage of this species and is located on the very extreme edge of its historical range.

I respectfully submit the following recommendations as minimum requirements for the Bureau of Reclamation to fulfill its “**Public Trust**” responsibility for providing long-overdue mitigation for damages incurred as a direct result of this project on the native/indigenous cold-water aquatic resources of the Ventura River System...

- **Water...** Per two pieces of personal correspondence from the chief, Anadromous Fisheries Branch, California Department Fish and Game, dated March 21, 1972 and April 1, 1972, he stated the State of California’s recommendations for maintaining a viable cold-water fishery resource for the Ventura River (Steelhead) with specific questions posed to him and his answers per the following...

Question: *“What flow schedules do you believe to be necessary?”*

Answer: • *“January to March each year, 50 CFS”*

• *“April to December each year, 20 CFS*

20,000 AF per year”

Question: *“Do you believe some minimal flows near the mouth is needed to build up any size runs?”*

Answer: *“Yes, on a year-round basis. The flow schedule recommended is about the minimum that could attract mature fish and provide for up-stream migration, spawning, egg-hatching, in-stream growth, and out-migration of steelhead.”*

This will require water releases down Coyote Creek as it was a very prominent, historical spawning and rearing habitat for the Southern Steelhead. Some non-structural work should be required to re-establish the natural creek channel to an optimum depth/level and with minimal reconfiguration to provide for some flood protection during peak flows or in the event of a rupture of the dam. All work should be done in a biological sensitive manner. An inordinate amount of vegetation has intruded into the heart of this once fairly wide open waterway and viable fishery habitat.

- **Fish-Way/Fish-Ladder...** The Bureau of Reclamation should immediately design and install a viable system at the Robles Diversion-Dam Canal for both successful up-stream migration of

both adult and juvenile Southern Steelhead as well as for their emigration/out-migration of both juveniles and kelts.

- **Fish-Screen...** The Bureau of Reclamation should immediately design and install a successful system of repelling both adult and juvenile Southern Steelhead from entering the Robles Diversion-Dam Canal. I have scientific evidence that the present structure as designed has forced anadromous/migratory salmonids into the Canal and on into Santa Ana Creek.

- **Critical Habitat Designation...** Consider modifying the Robles Diversion-Dam Canal to allow for adult Southern Steelhead as well as juveniles to successfully enter and exit the Canal utilizing the Santa Ana Creek as a source of what was once their historical spawning and rearing habitat. If found feasible, declare the Santa Ana Creek as a “**Refugia Area**” and “**Critical Habitat**” designation by the National Marine Fisheries Service under the federal “**Endangered Species Act.**”

- **Physical Rearing Facility...** Provide for a “**Rearing Facility**” to help accelerate the reproduction of the native/indigenous species of Southern Steelhead (Haplotype V.)

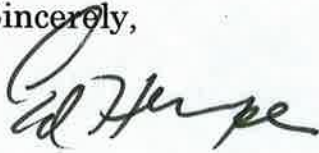
- **Additional Recommendations...** Immediately consider removing the Matilija Dam wall and its impounded materials for utilization of all of the usable portions to refortify the Casitas Dam’s earth-filled wall, to meet present estimated seismic safety retrofitting requirements. This would overcome two present recognized social negative conditions/impacts and may prove to be the best choice environmentally, economically and for safety to the general citizenry: remove the Matilija Dam as a major “**Public Nuisance**” and barrier to 20 stream miles in “**Refugia Area**” of historical significance as a spawning and rearing habitat for the Ventura River Southern Steelhead; removal would provide all or part of the needs to make a Casitas Dam a more seismic-safe structure; eliminate all or part of the pending damage that will result from the planned extraction of 1.2 million CY of earth directly from the Coyote Creek watershed area.

Thank you for allowing me to comment on the Bureau of Reclamation’s plan for up- grading the Casitas Dam to meet the current estimated seismic safety requirements. It is also time, to

give serious consideration as to how we can possibly fulfill two very important public needs requirements at the same time and in a cost-effective and environmentally sensitive manner... **the general public's safety reigns as number one in this whole process.**

Best personal regards.

Sincerely,



Ed Henke

cc: **Ventura County Board of Supervisors**
Corps of Engineers
Environmental Protection Agency
National Marine Fisheries Service
U.S. Fish and Wildlife Service
U.S. Forest Service
California Department of Fish and Game
Friends of the Ventura River
Friends of the Santa Clara River
Keep the Sespe Wild Committee
Environmental Coalition of Ventura County
Ventura Environmental Defense Center
California Sport Fishing Protective Alliance
California Trout
Trout Unlimited
Federation of Fly Fishers
Izaak Walton League of America
Audubon Society of America
Surfers Environmental Alliance
Natural Resources Defense Council
Sierra Club
Planning and Conservation League
Others