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FOR IMMEDIATE RELEASE:

California Water Agency Calls for Science-Based Reform in Nation's Capital
General Manager Underscores Regulatory Hurdles in Highly-Anticipated Testimony

Oxnard, CA (August 27, 2024) – United Water Conservation District (UWCD) General Manager Mauricio Guardado emphasized UWCD's direct experience with misuse of the Endangered Species Act (ESA), when he testified at a Water, Wildlife and Fisheries Subcommittee Legislative Hearing in Washington D.C. on July 9. He spoke in support of reforming the ESA and its accompanying legislative discussion draft.

"Most agencies United works with are tough but fair," Guardado said during his testimony. "However, the National Marine Fisheries Service (NMFS) has used the ESA as a weapon to punish water agencies, push their political agenda, and even obstruct critical public safety projects. NMFS' practices of arbitrary decision-making, ignoring the best available science, and routinely moving goalposts are unacceptable to water entities working in good faith."

A core regulatory burden stems from NMFS listing the southern California steelhead in 1997 and designating lower Piru Creek as critical habitat for the species. NMFS set aside its own characterization of lower Piru Creek as severely degraded and unsuitable for rearing juvenile steelhead, as well as consistently dry conditions, natural migration barriers, assessments of the region, and a century of historical evidence from federal and state biologists.

"Not once — *once* — has a single ocean-run steelhead been caught or observed in lower Piru Creek. Despite this, NMFS still designated lower Piru Creek as critical habitat. NMFS seems to operate under the assumption that absence of evidence is not evidence of absence," Guardado said during his testimony.

NMFS' Biological Opinion insists on the possibility of a steelhead resource and requires constructing a \$100 million fish passage structure and continuous water releases from UWCD's infrastructure into lower Piru Creek. This Biological Opinion compelled UWCD to release over 14 billion gallons of water from the Santa Felicia Dam, including during a record drought, and incur \$10 million in studies, consultants and legal fees.

"I found Mr. Guardado's testimony very revealing about somebody trying to provide water to California and being hamstrung by the Endangered Species Act," Representative Bruce Westerman (R-Arkansas) said during the hearing.

The ESA reform draft legislation mitigates regulatory conflict for water entities across the United States, addressing definitions of habitat and baseline, incentives for the recovery of listed species, and increased transparency and accountability in ESA decisions such as the disclosure of data used in listing decisions. The reform draft legislation limits overreach in mitigation requirements and improves the regulatory process by adding important clarification to the ESA.

"NMFS' arbitrary rulings mean that hundreds of millions of dollars and tens of thousands of acre-feet of water are lost to help a listed species that has never been concretely observed in the area. The cost to our ratepayers could add up to more than a billion dollars," Guardado said during his testimony. "Unless

there are changes in the ESA and overreach is reined in, NMFS will continue to exploit the law and the result will cost families, businesses, cities and farmers we serve.”

UWCD currently operates the Santa Felicia Dam, a facility vital to regional groundwater recharge, under a license from the Federal Energy Regulatory Commission (FERC). Completed in 1955, the dam is classified as an “extremely high hazard dam” by the California Division of Safety of Dams and requires critical infrastructure upgrades to protect the 400,000 people who live downstream. UWCD has designed safety improvements to replace the original outlet works vulnerable to earthquake damage and to increase the size of its spillway to handle larger flood flows. However, through its participation in the FERC license amendment process, NMFS has exploited its jurisdiction under the ESA to attempt to reinitiate consultation on UWCD’s existing FERC license, which has led to delays in the project design and permitting process.

UWCD invests in enhanced legislative outreach and public education efforts to ensure the residents, farmers and businesses in its service area benefit from reliable water resources. Its Environmental Planning and Conservation department is dedicated to complying with environmental laws, including the ESA, to sustain groundwater conservation efforts. The District is committed to pursuing science-based regulation to support Ventura County and beyond.

While there is no consensus in the present Congress on how to proceed, Water, Wildlife and Fisheries Subcommittee Chairman Cliff Bentz (R-Oregon) is exploring avenues to address the ESA. Consideration may be taken up in the next Congress. United Water Conservation District continues to be committed to balancing public and environmental needs.

Learn more at www.unitedwater.org.

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About United Water Conservation District

Since 1927, United Water Conservation District (District) has served as a leader among water agencies by managing, protecting, enhancing and securing the water resources of the Santa Clara River and Oxnard Coastal Plain. The District works to protect the environment’s natural attributes and conserves runoff from all major tributaries of the Santa Clara River, including Piru, Hopper, Sespe, and Santa Paula Creeks. Committed to managing the area’s water supplies through groundwater replenishment and the construction and operation of efficient water supply and delivery systems, the District serves as the conservator of groundwater resources that are utilized by the cities of Oxnard, Port Hueneme, Ventura, Santa Paula, and Fillmore, as well as Naval Base Ventura County and several mutual water districts, farms, and individual pumpers. The District also provides surface water for agricultural irrigation and treated drinking water to the cities of Oxnard and Port Hueneme. www.unitedwater.org