

# Fish get better deal

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**Federal service agrees  
to pick up the pace for  
steelhead protections**

**By JUDIE MARKS**  
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The National Marine Fisheries Service has agreed to move more quickly to protect steelhead in the Carmel and Salinas rivers, along with rivers in other parts of the state.

The species has been listed as threatened under the federal Endangered Species Act since 1997.

The agreement came in response to a lawsuit filed in June in Federal District Court in San Francisco by a coalition of steelhead advocacy groups, including the Center for Biological Diversity, the Alameda Creek Alliance, the Pacific Coast Federation of Fishermen's Associations and the California Sportfishing Protection Alliance.

"Steelhead have been caught in administrative purgatory," said Jeff Miller, a spokesman for the Alameda Creek Alliance. "They are listed as threatened, but until the regulations are put in place, they are protected in name only."

Under the agreement, signed by Federal District Court Judge Susan Ilston, the National Marine Fisheries Service will issue proposed protective regulations by Dec. 15, then, after a 6-month public comment period, issue final regulations by June 19, 2000.

Historically, steelhead that were thought to be numbered in the millions migrated up California streams each year to spawn. But new dams, as well as logging, grazing, gravel mining and other development reduced their numbers to about 150,000 in the 1990s. Currently less than 20,000 fish are believed to return the Central Valley and the central and south-central coast each year.

Miller said the coalition documented a number of incidents on the Carmel River, including removal of so much water by the California American Water Co. in September 1997 that most of the steelhead hatched that year were

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killed.

The only regulations put in place in the past, Miller said, have been aimed at sport and commercial fishermen.

"We feel fishermen have been unfairly singled out, when bigger issues are sufficient water flow and habitat destruction," he said.

Peter Galvin, conservation biologist with the Center for Biological Diversity in Berkeley, said his organization is "cautiously optimistic" that the negotiated settlement will have the desired effect.

"It's exciting that finally steelhead is going to get some serious protection, but frustrating that conservationists have to continually sue federal agencies to get them to comply with the law," Galvin said. "Hopefully we're at the beginning of the road to recovery for the steelhead."

Jim Lecky, chief of the Protected Species Management Division of the National Marine Fisheries Service in Long Beach, said he had to admit that "It has taken us too long to get this rule done." But the agency intends to meet the agreed-upon schedule, he added.

The Endangered Species Act has "generic prohibitions" for species listed as endangered. But it calls for specific regulations to protect species that are named at the less critical level of "threatened."

Part of the reason for the delay, Lecky said, was that the fisheries



ORVILLE MYERS/Herald file photo

New rules will make it illegal to harm or kill the threatened steelhead, shown here being released into the Carmel River earlier this year.

service has been looking at state measures and programs in California, Washington and Oregon to see if they adequately provide for conservation of threatened species.

The rule will make it illegal to harm or kill the threatened steelhead. Without the law, it was difficult to challenge California-American Water Co. when the juvenile fish were killed in the Carmel River, he said. Had regulations already been in place, he said, the water company could have been prosecuted for the "unauthorized take" of steelhead.

"I think we've been working hard

on some very tough, controversial programs," Lecky said. "That's taken time. I will acknowledge it has taken us a long time. We were telling them the rule is coming, and they got frustrated with hearing that."

Other rivers covered by the forthcoming regulations include the Sacramento River, the Yuba River in Yuba County, Lagunitas Creek in Marin County, Alameda Creek in Alameda County, the Guadalupe River in Santa Clara County, Gazos Creek in San Mateo County and Santa Rosa and Arroyo Grande creeks in San Luis Obispo County.