

## **Fish protection making waves**

Feds, conservation groups square off over unprotected landlocked populations

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SUNOL — A new federal policy, which lists as protected species only those steelhead that spend time in the ocean, is a threat to landlocked steelhead and rainbow trout populations that live below the dams in Alameda Creek, a conservation group says.

Alameda Creek Alliance, which is seeking to restore fish populations in the largest creek in the county, said the federal policy is "scientifically unjustified" because it divides steelhead populations despite genetic evidence that the creek's resident fish are similar to adult ocean-run steelhead.

"All life forms of steelhead in the Bay Area and the central coast should be protected since many streams have only remnant populations of ocean-run fish," said Jeff Miller, director of the Alameda Creek Alliance, in a statement. The group has fought for steelhead restoration in the creek since 1997.

Miller was reacting to the National Oceanic & Atmospheric Association's announcement on Dec. 23 of listing decisions for 10 species of West Coast steelhead. The agency retained Endangered Species Act protection for these 10 groups of steelhead, including the Central California Coast steelhead population. Alameda Creek steelhead are a part of that group.

Yet the decision also makes clear that the protection applies only to so-called "distinct population segments," rather than "evolutionary significant units." The old policy of ESUs put salmon and steelhead in groups based on genetic similarity and the ability to breed together. Because resident rainbow trout and migrating steelhead can breed together, they were included in the same ESU.

The new policy of DPS takes into consideration additional factors, including physical size and characteristics, and behavioral differences.

The change, the agency said, responds to public comments and is consistent with the U.S. Fish & Wildlife Service's approach to making listing determinations.

While steelhead that migrate back and forth from the ocean and those that do not migrate have similar genetic makeups, when they become separated they display distinct differences, said Jim Milbury, a spokesman with the NOAA. He also noted that the threatened status applies to some steelhead in Alameda Creek — those that live before the dams.

A decision to provide Endangered Species Act protections could have an impact on how critical habitats are maintained where threatened species live, Milbury said.

The decision by NOAA fisheries was applauded by Trout Unlimited and the Native Fish Society in Portland, who said counting steelhead and genetically identical rainbow trout in the same population groups could lead to inflated fish numbers that could result in removing protections for some steelhead that need it.

"I think it was a little bit of bureaucratic infighting that led to this, but I think it was the right result," said Jeff Curtis of Trout Unlimited.

However, David Hogan of the Center for Biological Diversity said it was bad news for steelhead in Southern California, which are in such bad shape that the resident fish need to be protected as well as the fish that go to the ocean, so that none of their genetic diversity is lost.

"For the Central and Southern California populations, this is a very poor decision with almost no scientific basis," Hogan said. "So it is possible that this could end up in court again."

The Associated Press contributed to this story.