



NEWS FROM NOAA

NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION • US DEPARTMENT OF COMMERCE

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Forestry landowner violates Federal Endangered Species Act and is fined by NOAA Fisheries Service for harming and killing federally protected steelhead trout while operating under a State of California approved timber plan.

LAYTONVILLE, Calif. — A forest landowner in Mendocino County was recently assessed a fine of \$105,600 dollars by NOAA's National Marine Fisheries Service (NOAA Fisheries Service) for harming and killing federally protected steelhead trout, despite being in compliance with state regulations.

The landowner was converting 130 acres of timberland into vineyards in accordance with California's Forest Practice Rules under a 1999 Timber Harvest Plan (THP) and Timber Conversion Permit approved by the California Department of Forestry (CDF).

The land conversion involved cutting trees and permanently removing mature redwood and Douglas fir forest stands, mechanically removing tree roots, soil ripping, road and drainage construction and extensive land grading. These activities resulted in widespread erosion on the property that deposited significant volumes of hillside soil into nearby steelhead trout streams, killing the steelhead trout in violation of federal law.

In this location the impacted steelhead trout are part of the Northern California Distinct Population Segment living in coastal rivers from Redwood Creek in Humboldt County south to, but not including, the Russian River. NOAA Fisheries Service listed this steelhead trout population as threatened under the Federal Endangered Species Act (ESA) (e.g., likely to become endangered within the foreseeable future) in June of 2000. A key factor in the federal listing was that critically important revisions to California's Forest Practice Rules to better protect steelhead and salmon were not implemented by the governor-appointed Board of Forestry as agreed upon in a 1998 State of California/NOAA Memorandum of Agreement. See Federal Register Notice June 7, 2000 65 FR 36074.

To date, full revisions to the forestry rules have yet to be realized. However, NOAA and the State agencies of the Department of Forestry and Department of Fish and Game continue to work with the Board of Forestry to explore ways to ensure that implementation of California's Forest Practice Rules will sufficiently protect salmon and steelhead species listed under the federal ESA, and not put citizens in danger of violating federal law even if they are meeting state requirements.

In prosecuting this case, NOAA Fisheries Service and Office for Law Enforcement, were notified in 2002 by the California North Coast Regional Water Quality Control Board (RWQCB) that large volumes of soil were depositing into several streams in northwestern Mendocino County, violating water quality standards and likely harming steelhead trout.

Subsequent investigations by NOAA Fisheries Service law enforcement agents and scientists revealed that hillside soil was being washed into steelhead trout streams in such large volumes that young steelhead trout were being harmed and killed. Absent incidental take authorization, the killing or harming of a federally listed salmon or steelhead is unlawful. The landowner, Stuart Bewley of Alder Springs Ranch, was assessed \$105,600 for eight violations of the ESA.

This initial assessment was reduced to \$10,000 in consideration of the landowners' cooperation and his \$870,000 investment to address erosion problems on the property. A settlement agreement was reached, including an admission of guilt in violating the ESA, with the final penalty to the landowner reduced to a civil crime and a fine of \$10,000.

Steelhead are a form of rainbow trout that migrate between fresh and saltwater during different phases of their life-cycle. During winter months, when rain events create flow conditions suitable for upstream migration, adult steelhead move from the ocean into freshwater rivers and streams to spawn. The offspring remain in the stream for two to three years before moving downstream and into the ocean. While growing in the local streams, steelhead young are susceptible to water quality and other habitat changes that affect their ability to forage, rest, and avoid predators. Harmful water quality changes include, among other things, reduced flow, increased water temperatures, and inputs of toxins including soil. Other habitat changes include construction of barriers which inhibit free movement along the stream corridor as stream conditions change.

Steelhead remain in the ocean for several years before returning to their natal stream to spawn. Unlike salmon, steelhead do not necessarily die after spawning, and may return to the ocean, and live to spawn again. Some steelhead may return to the same stream to spawn three or four times over their life span.

The National Oceanic and Atmospheric Administration, an agency of the U.S. Commerce Department, is celebrating 200 years of science and service to the nation. From the establishment of the Survey of the Coast in 1807 by Thomas Jefferson to the formation of the Weather Bureau and the Bureau of Commercial Fisheries in the 1870s, much of America's scientific heritage is rooted in NOAA.

NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and information service delivery for transportation, and by providing environmental stewardship of our nation's coastal and marine resources. Through the emerging Global Earth Observation System of Systems (GEOSS), NOAA is working with its federal partners, more than 60 countries and the European Commission to develop a global monitoring network that is as integrated as the planet it observes, predicts and protects.

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Websites:

National Oceanic and Atmospheric Administration (NOAA): <http://www.noaa.gov>

NOAA Fisheries Service: <http://www.nmfs.noaa.gov>