

Soquel man sues to save steelhead

Fish + fishing

By DONNA KIMURA
Sentinel staff writer

SOQUEL — A Soquel man is determined to put steelhead trout on the list of endangered and threatened species.

Robert LaRosa, founder of a non-profit ecology education program called the Nature School, is one of the original plaintiffs in a lawsuit seeking federal protection for the fish.

The case is scheduled to be heard Feb. 16 in U.S. District Court in San Francisco.

"We've got a chance to save the steelhead," said LaRosa, who admits to being obsessed with the fish. The 54-year-old former college professor even figures he was a salmon in a former life.

LaRosa spends much of his time rehabilitating a section of Moore Creek that runs along his Soquel property. Often speckled with mud from working in the creek, he is impatient when it comes to the fish.

"It (the suit) is a drastic measure, but we are facing catastrophe," he said. "The choice is you let them go extinct."

LaRosa's Nature School is one of about 20 plaintiffs in the suit against Ron Brown, U.S. secretary of commerce, and Rolland A. Schmitt, director of the National Marine Fisheries Service.

LaRosa said he pressed lawyers with the Sierra Club Legal Defense Fund to take the case, and contributed "several hundred dollars," he said. The defense fund has a similar lawsuit pending for the coho salmon.

"He has been in on it from the beginning," said Michael Sherwood, the attorney who filed the suit.

In all, 20 parties filed the suit, including the Oregon Natural Resources Council, California Sport Fishing Protection Alliance, California Trout Inc., and the Federation of Fly Fishers. There are groups from Oregon, Washington and California.

According to the suit, the steelhead is in danger of extinction throughout these Western states.

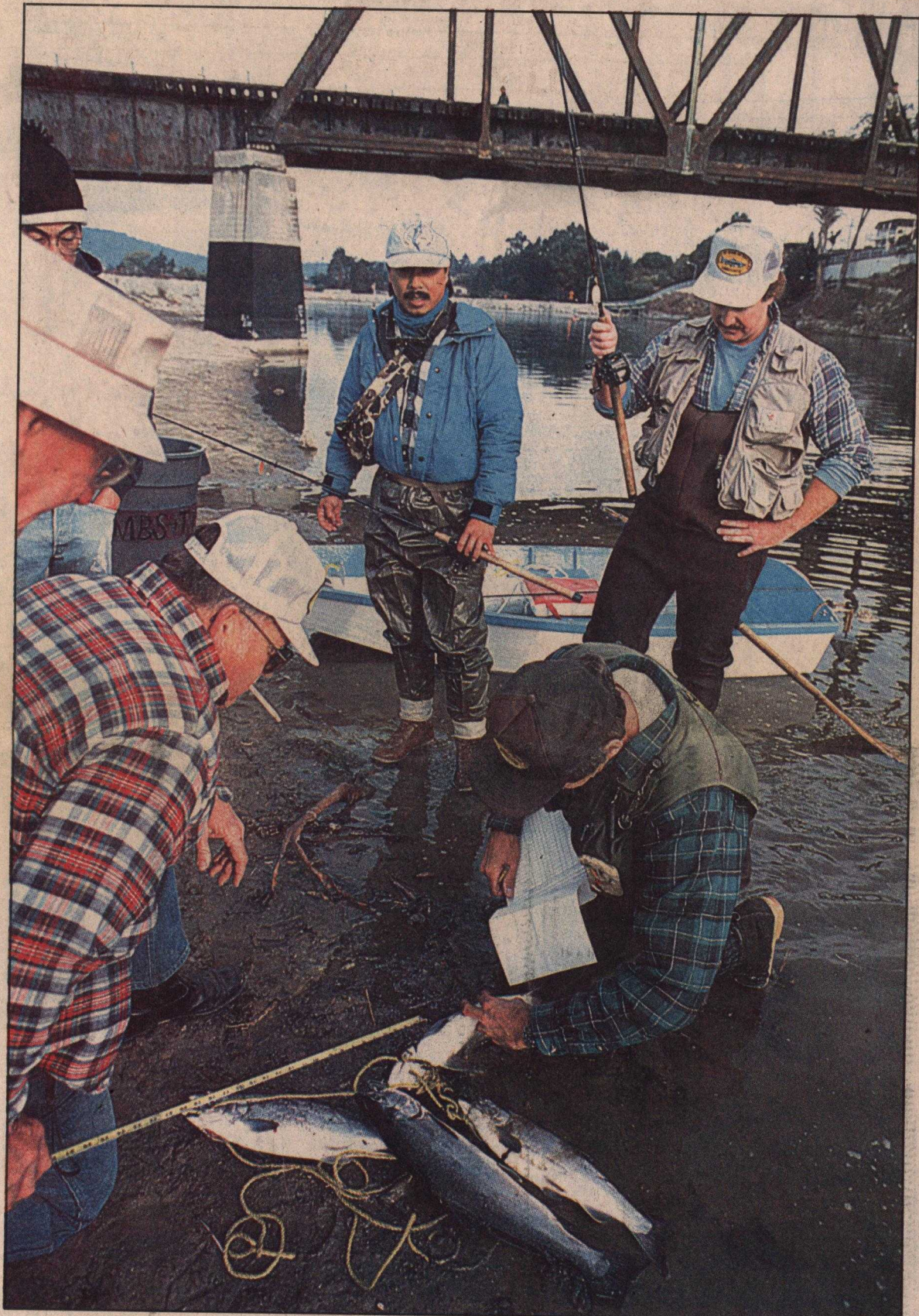
If the suit is successful, it could have widespread effects on land-use, such as logging development and water releases, as well as recreational policies of coastal waterways.

"That's the big question," said LaRosa.

There likely would be restrictions on streams that are home to the steelhead, he said. Fishing may be allowed in some streams under a catch-and-release program, he added.

The extent of any restrictions is difficult to predict, said attorney Sherwood.

"One of the things that has to happen is the National Marine Fisheries Service would have to



Steelhead caught on opening day in 1990 are examined at San Lorenzo River mouth. Dan Coyro/Sentinel file

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develop a recovery plan," he said. "A recovery plan could vary from stream to stream."

In preparing a plan, state and local people would participate intensively, according to Sherwood.

Under the Endangered Species Act, the steelhead could be listed as either endangered or threatened.

Endangered means the species is in danger of becoming extinct in all or part of its range due to the loss of habitat or other cir-

cumstances. Threatened means the species is at risk of becoming endangered.

Threatened status would allow more flexibility, including the possibility of fishing, Sherwood said.

Officials with the Monterey Bay Salmon and Trout Project in Davenport, a non-profit native fish restoration group, could not be reached for comment.

The lawsuit was filed after the deadline for listing the steelhead as an endangered species passed

last year without it being included except for the steelhead from Cape Blanco in Oregon south to the Klamath River in California.

Steelhead are declining throughout the Western range, and some populations are already extinct, according to the suit.

"In California, for example, at least 80 percent of the steelhead stocks are at risk of extinction, with summer steelhead populations now represented by fewer than 100 fish," said the suit.

Habitat loss due to urbanization, logging, grazing, agricultural diversions, streamside vegetation removal and water-quality degradation all contribute to the decline, the suit said.

According to Sherwood, it is not unusual to go to court to have a species protected by the

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Endangered Species Act. It has successfully been done, he said, for the delta smelt and the northern spotted owl.

"Going back 10 years ago, starting with President Reagan and continuing with President Bush, the administration was reluctant to add species to the list," Sherwood said. "We found we had to quite frequently bring lawsuits."

He has asked the court to make

a ruling on the case at the next hearing.

Sherwood will argue that the facts are so clear that there is no need for a trial. If he is successful, the court would order adding steelhead to the endangered list.

The judge also could order a trial to hear both sides of the case.

LaRosa said he wants to give the fish an opportunity to survive.

"You have to give her a fighting chance," he said.