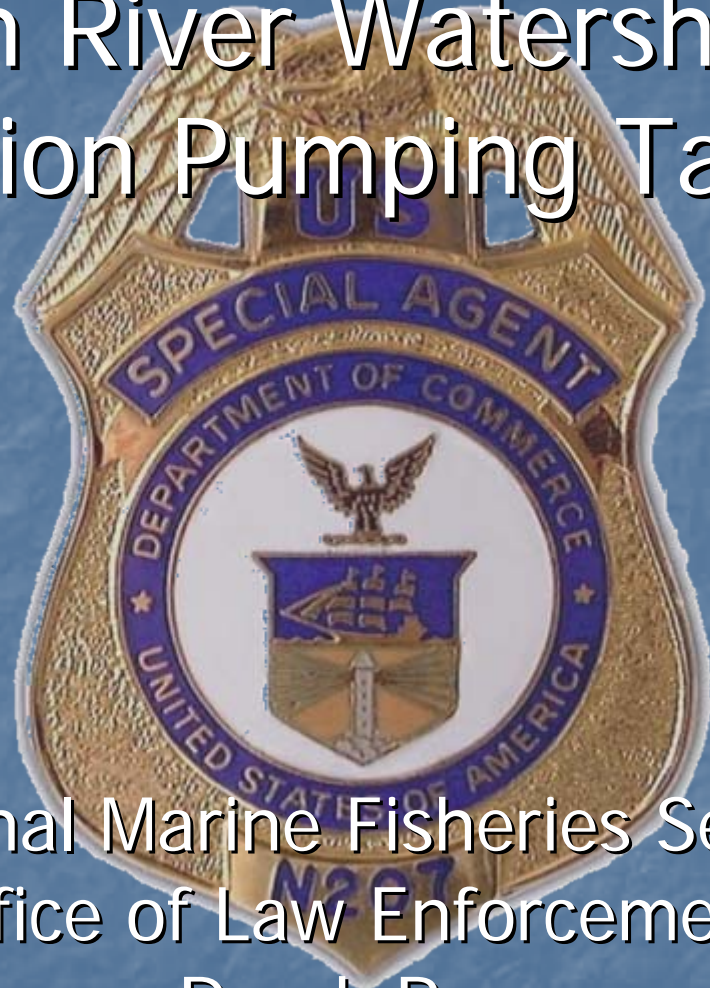


# Russian River Watershed Frost Prevention Pumping Task Force



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Office of Law Enforcement  
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# Endangered Species Act

- 16 U.S.C. § 1538(a)(1)(B) –Unlawful for any person subject to the jurisdiction of the United States to “take” any species of fish or wildlife listed as endangered within the United States.
- 16 U.S.C. § 1532(19)- The term “take” is defined by the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such activity.

# Endangered Species Act

- “Harm” has been defined by the NMFS to mean- An act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering.
- Penalties-
  - **Civil**- up to \$25,000 per count
  - **Criminal**- up to \$50,000 or imprisoned for not more than one year or both

# Russian River Frost Taskforce

## Why was it created?

- Office of Law Enforcement received information about the two fish kills
  - Mendocino County- main stem Russian River
  - Sonoma County- critical coho habitat
- Coho and Steelhead salmon among the mortalities

# Fish Kill



# Russian River Frost Taskforce

## Why was it created? cont.

- Further investigation/biological assessment revealed the cause of fish kill to be rapid draw down of water from the cumulative effect of frost prevention pumping practices
- Collaborative approach- Frost prevention pumping practices are widely used in the area where the fish kill occurred
- Task force was an attempt to develop self-directed solutions with growers, interest groups, and other agencies

# Russian River Frost Task Force

- Began in July 2008 and meets monthly
  - 17 government and non-government groups
  - Over 40 members
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- NMFS Office for Law Enforcement
  - NMFS Habitat Conservation Division
  - NMFS Protected Resource Division
  - State Water Resources Control Board
  - North Coast Regional Water Quality Control Board
  - California Coastal Conservancy
  - Sonoma County Water Agency
  - California Department of Fish and Game
  - Center for Ecosystem Management and Restoration
  - Trout Unlimited
  - Sotoyome Resource Conservation District
  - Mendocino County Farm Bureau
  - Mendocino County Russian River Flood Control District
  - Fish Friendly Farming
  - Sonoma County District Attorney's Office
  - Mendocino District Attorney's Office
  - Sonoma County Salmon Coalition

# Goals

- Short Term vs. Long Term
  - Short Term- Prevent current and ongoing take of ESA listed salmonids
    - Alternatives to using water for frost prevention- ie. wind machines
    - Sonoma County Water Agency to release extra water to compensate for frost water demand
  - Long Term- Reduce dependency on Russian River main stem and tributaries
    - Off stream storage ponds



# Status of Goals

## ■ Short Term-

- No frost prevention alternatives were identified
- Lack of water available prevents Sonoma County Water Agency to release extra water

## ■ Long Term-

- 7 vineyards have volunteered to explore off stream storage options
- Funding for projects have been identified

# Result

- Due to the lack of a short term “take” prevention plan for this frost season, the task force has been faced with the difficult decision of making recommendations to the California State Water Board regarding emergency regulations to protect ESA listed salmonids