“The progress of rivers to the ocean is not so rapid as that of man to error.” --- Voltaire

IN THIS ISSUE

**SUBLEGALS IS BACK!** .......................................................... 20:01/01
2015 Commercial Salmon Season Subject To September Closure ................................................. 20:01/03
Magnuson-Stevens Act Reauthorization Efforts Begin ................................................................. 20:01/04
BDCP Overhauled To Exclude Conservation ............................................................................. 20:01/06
West Coast Sardine Fishery Likely Closed This Year ................................................................. 20:01/07

**20:01/01. IT'S TRUE: SUBLEGALS IS BACK!** After a geologically brief hiatus, your quota of fishery shorts caught and landed by IFR and PCFFA is back. Please feel free to contact the Editor at sublegals@ifrfish.org for more information, to add a colleague to our mailing list, or to suggest a story.

**20:01/02. CHANGING OF THE GUARD AT PCFFA AND IFR:** After nearly 40 years, there will be a major staff change at PCFFA, as Zeke Grader, who has served as Executive Director of the organization since March 1976, will be stepping down with Tim Sloane slated to take over early this summer. Health, and, as Grader put it, “the need for new blood and new ideas” were given as the reason for his departure from the top position at the two organizations. Grader served as ED for IFR since its incorporation in 1993.

Sloane, 31, is an attorney who previously served as a legal intern with PCFFA. A native of San Diego, he is a UC Berkeley grad and attended law school at Golden Gate University where he was part of the environmental law program. He officially started on 16 March, as program manager, and will assume the ED duties after 90 days.

PCFFA/IFR Northwest Regional Director Glen Spain remains in that position, working with Sloane in the transition. Grader will also stay on in an *emeritus* position to also help with the staff transition.

**20:01/03. 2015 COMMERCIAL SALMON SEASON SUBJECT TO SEPTEMBER CLOSURE; COMMERCIAL FISHERMEN OBJECT:** The Pacific Fisheries Management Council (PFMC) earlier this month proposed three alternatives for the 2015 commercial salmon fishing season, with one particularly restrictive option that would close fishing south of Humbug Mt. after September. The PFMC argues that this option, known as Alternative III, will protect 2014 brood year Sacramento River Winter Chinook (SRWC), a listed species under the Endangered Species Act.

All of the proposed alternatives achieve resource management goals enumerated in the Pacific Coast Salmon Fisheries Management Plan (FMP), and required by the Endangered Species Act. During the SRFC season, impacts on SRWC are permitted up to a point that is calculated annually, with reference to the last three years’ SRWC escapement totals. This year, that control point allows for impacts on up to 19% of the SRWC stock. Alternative III restricts impacts even further to 14.8% of the SRWC stock by cutting out a significant portion of the fishing season. The fishing community views this excess restriction
as an arbitrary exercise of the PFMC’s authority, given that PFMC has already determined, pursuant to established protocol, that a 19% impact rate was permissible.

By comparison, Alternative I permits a 17.9% impact rate, and Alternative II permits 18.0% impacts. Each of these options provides for September fishing and remains within resource management goals.

Commercial fishermen responded to the PFMC with several comments, arguing that the PFMC has not supported with data that a September closure would make a significant difference in actual SRWC survival numbers. Because 2014 SWRC will be 15” or less at the time the September closure would come into effect, those fish rarely come into contact with the commercial or recreational fleets. When they do, they are released alive due to their sub-legal size.

In September 2014, commercial fishermen south of Pt. Arena landed more than 14,000 Sacramento River Fall Chinook (SRFC), with an ex-vessel value of over $1 million. Alternative III would eradicate that economic opportunity, on which a large portion of the California fleet depends. Moreover, the Council’s own Salmon Technical Team projects that a September closure would prevent the loss of only 0.5% of the eventual 2014 brood year SWRC escapement, meaning that the Council has not publicly addressed the disparity between the costs of the September closure against the benefits to the winter run.

Complicating the issue is the uncharacteristically warm water temperature projections for the duration of the 2015 season. Because salmon require cooler temperatures, they will delay migration south toward their natal rivers until ocean temperatures are sufficiently cool. Thus, it might be that the only opportunity for salmon fishing below Pt. Arena occurs after the September closure. The effect would be to prohibit fishermen and women harbored south of Pt. Arena from meaningfully engaging in the commercial season, given the increased financial and time expenses of motoring north to viable fishing grounds.

At the May 31, 2015, the PFMC Public Hearing in Fort Bragg, CA on the salmon season options, commercial fishermen proposed season timelines deviating from those developed by the Council. One group proposed additional fishing time in May, at the expense of time in June and July, with an open September. Another commenter suggested increasing the sport size limit statewide to reduce overall impacts to SRWC, which would free up the commercial fleet to fish in September and still achieve management targets. The PFMC will consider these proposals, and all other comments it received, in finalizing the season.


**20:01/04. US MAGNUSON- STEVENS FISHERIES MANAGEMENT ACT REAUTHORIZATION EFFORTS BEGIN:** U.S. Congressional Representative Don Young (R-AK) last month introduced a Magnuson-Stevens Act (MSA) reauthorization bill (H.R. 1335) that would roll back fish protections by allowing for consideration of a community’s economic need when setting total allowable catch of a given species. To date, total allowable catch has been an exclusively scientific determination, made by Regional Management Councils without regard for social or economic factors.

Additionally, the bill as written would permit longer timelines in restoring depleted fish populations; as currently written, the MSA requires management plans imposed on overfished fisheries to rebuild the fishery within 10 years.

Notably absent from Representative Young’s bill is language defining Community Fishing Associations, or any provision for their inclusion in IFQ allocations. The MSA accounts for the existence
of these organizations, which seem to permit associations of small boat owner/operators to enfranchise
themselves in fisheries, but the term remains undefined.


PCFFA is a member of the Marine Fish Conservation Network -- a nationwide coalition of commercial and recreational fishing organizations, marine conservation organizations and aquarium and science institutions -- which has played a major role in the last two MSA reauthorizations. The Network is currently developing language for this reauthorization, emphasizing protection of the language that has helped make the U.S. the leading nation on sustainable fisheries, while looking at other improvements to the nation’s main fishery law, including protection of fishing communities in addition to the existing protection of fish stocks.

20:01/05. CALIFORNIA GOVERNOR ADDRESSES DROUGHT WITH SPENDING BILL, URBAN WATER RESTRICTIONS: California Governor Jerry Brown was active in recent weeks addressing California’s foundering water supply in the face of historic drought, which is entering its fourth year. The Emergency Drought Bill accelerates authority to spend money allocated pursuant to California’s Proposition 1, which passed in 2014. $272 million are destined for drinking water programs aimed at making water available to communities that have or may soon exhaust their developed water supplies.  $128 million is for direct assistance to those who are out of work because of the drought. $660 million dollars is earmarked for “flood control.”

The irony of allocating the majority of drought funds for flood control was not lost on the Sublegals staff. Neither was Governor Brown’s selection of April Fools’ Day to announce mandatory water restrictions affecting only urban water recipients. Agricultural users are by far the largest appropriators of water in California, accounting for 80% of the developed water supply, including an unknown amount of groundwater. The mandatory restrictions call for a 25% reduction in urban water usage, with proportionally higher reductions borne by Water Districts with higher per capita usage. Water districts are charged with enforcing the restrictions and are subject to $10,000/week fines for noncompliance. However, agricultural interests are not required to restrict water use under the Executive Order, but are subject to reporting requirements.


20:01/06. CA BAY DELTA CONSERVATION PLAN OVERHAULED TO EXCLUDE CONSERVATION: California Governor Jerry Brown’s administration is rethinking its controversial Bay Delta Conservation Plan (BCP) by removing the Plan’s habitat restoration aspects, in an effort to streamline approval of the freshwater diversion projects that are the crux of the plan. The revised Plan would not seek a 50-year environmental permit for water exports that would have eased Endangered Species Act (ESA) restrictions on water transfers in consideration of a 100,000-acre habitat restoration mitigation project. State officials concluded that the requirements of the 50-year permit were simply too difficult to achieve. Instead, operators would pursue shorter-term permits for the diversion and conveyance facilities. Mitigation efforts would be addressed as those permits go through cyclical approval.
Mitigation projects for the streamlined BDCP would be carried out as separate programs. Environmental and fishing groups fear that disconnecting the infrastructure aspects of the Plan from the mitigation projects would dilute that mitigation and result in an overall detriment to the riverine, estuarine and marine environment affected by the proposed diversions and conveyances. What seems clear is that the BDCP tunnels will result in an overall increase in net exports of water that would otherwise have flowed through the Sacramento-San Joaquin River Delta.


20:01/07. WEST COAST SARDINE FISHERY LIKELY TO BE CLOSED THIS YEAR: The Pacific Fishery Management Council (PFMC) is likely to take action at its upcoming Council meeting to shut down the west coast sardine fishery due to a collapse in stocks. Estimates range from 97,000 to 133,000 metric tons of sardines in west coastal waters this year, down from a peak of 1.4 million metric tons in 2006. This move will affect the approximately 100 commercial boats with sardine permits in Washington, Oregon and California, which constituted a $21 million fishery in 2012. Commercial fishermen are concerned that the PFMC will also reduce or eliminate allowable bycatch of sardines in other fisheries. The market squid, herring and anchovy fisheries are permitted some incidental sardine catch. Elimination of sardine bycatch would effectively shut down those fisheries as well. David Crabbe, a squid fishing-boat owner and PFMC member, said he would expect the Council to allow incidental catch to reduce the impact on the fleet. For more information: www.seattletimes.com/seattle-news/environment/feds-likely-to-shut-down-sardine-fishing-on-west-coast-2; PFMC Meeting Information: www.pcouncil.org/council-operations/council-meetings/current-meeting.

20:01/08. CALIFORNIA’S PROP 1 FUNDING OPPORTUNITIES BECOMING AVAILABLE: Californians last year approved Governor Brown’s controversial water bond, which makes state funds available for a variety of water-related grants. Grant programs are administered by several state agencies according to the program area for which funds are earmarked. All draft guidelines for grant applications, eligibility and selection are in draft stage. Adoption of final guidelines, on which RFPs may issue, are due June 2015. For more information see: http://bondaccountability.resources.ca.gov/Guidelines.aspx?PropositionPK=48

20:01/09. CALIFORNIA TO CONSIDER OPENING GROUNDWATER RECORDS FOR PUBLIC ACCESS: California State Sen. Fran Pavley (D-Calabasas) has reintroduced a controversial bill that would open for the first time hundreds of thousands of Well Completion Reports, known as “Well Logs.” California is the only western state that does not provide open-access to Well Logs. Opposition to the bill is concentrated in the agricultural community, whose access to groundwater is regulated in California only by private property rights. For more information: www.revealnews.org/article/as-water-dwindles-lawmakers-seek-access-to-confidential-well-logs.

20:01/10. CANADIAN SALMON FARMING OPERATIONS FACED WITH DISEASE, ESCAPES: The Canadian Food Inspection Agency confirmed the existence of Infectious Salmon Anemia (ISA) at an undisclosed aquaculture facility in New Brunswick. Neither the federal nor provincial governments publicly disclosed the outbreak. The Atlantic Salmon Federation has challenged the Canadian government on its failure to publicize the existence of this highly infectious disease, which can result in 100% mortality at infected salmon farming operations. Because the disease can exist in seawater independent of a host, it also poses a serious threat to dwindling wild salmon populations. ISA is not considered a threat to human health.

Revelation of the Canadian ISA outbreak follows news that 51,000 farmed salmon escaped from a net pen facility, also in New Brunswick. Officials indicated that the escape was due to extreme weather. The escaped salmon were of spawning age and are likely to invade wild spawning grounds, thereby

20:01/11. ALASKA FISHERMEN AND TRIBES REQUESTING RESTRICTIONS ON SALMON BYCATCH IN POLLOCK FISHERY: A coalition of fishing industry interests is requesting that the North Pacific Fishery Management Council (NPFMC) approve a measure that would require a 60% reduction in allowable Chinook salmon bycatch in the pollock fishery during times of weak salmon runs. The pollock industry is currently allocated a bycatch of up to 47,600 Chinook, which would otherwise be harvestable in the salmon fishery. The NPFMC will consider the measure at its Council Meeting next week. For more information: News story on bycatch reduction request: http://peninsulaclarion.com/news/2015-04-04/alaska-groups-see-cut-in-salmon-caught-by-pollock-industry; NPFMC Meeting Information: www.npfmc.org/upcoming-council-meetings.

20:01/12. U.S. GROCERS MAY BE SELLING FISH PRODUCTS HARVESTED WITH SLAVE LABOR: Indonesian officials last week removed some 300 fishermen from an island after an Associated Press (AP) investigation revealed that the men were held there against their will and forced into labor by Thai boat captains. More than 550 fishermen were eventually located on the island of Benjina. Most of the rescued were Burmese, Cambodian or Laotian. Interviews with the men revealed human rights abuses such as imprisonment, forced labor, malnutrition, and corporal punishment. The AP tracked slave-harvested seafood from the fertile Indonesian fishing grounds to Thailand, the world’s third-largest seafood exporter. Records linked the seafood to supply chains of large U.S. grocers, such as Wal-Mart and Safeway, as well as prominent pet foods products companies. For more information: http://news.yahoo.com/ap-investigation-slaves-catching-fish-buy-011905896--finance.html; http://news.yahoo.com/number-slaves-found-indonesian-island-almost-550-171543265.html.

20:01/13. TOXIC WHALE AND DOLPHIN MEAT AVAILABLE ON ONLINE THROUGH YAHOO JAPAN WEBSITE: American internet giant Yahoo’s Japanese website is marketing cetacean products with elevated levels of mercury, a recent Japanese study found. Mercury levels in a sample of dried pilot whale meat contained the toxin at levels 19 ppm, more than 47.5 times the level recommended by the Japanese government. By comparison, a can of tuna fish in the U.S. contains an average of 0.32 ppm. Environmentalists have sought to publicize the high mercury levels in cetacean products with the hope of driving down demand in Japan. To date, this strategy has not been effective. For more information: http://readersupportednews.org/news-section2/312-16/29550-yahoo-japan-selling-toxic-whale-and-dolphin-meat-in-japan.

20:01/14. PCFFA SUPPORT FOR CALIFORNIA’S SB 788: California State Senator Mike McGuire recently introduced a bill that would close a loophole in California’s Coastal Sanctuary Act that actually permits the State to issue offshore drilling permits in certain situations. The bill, entitled the California Coastal Protection Act of 2015, would repeal California Public Resources Code section 6244, which permits the State Lands Commission to issue an offshore oil extraction permit when an oil deposit under state waters is being drained by a well on adjacent federal waters. The bill sends a powerful message that California will not endorse offshore oil and gas extraction, even where it is possible that another entity can permit the well. PCFFA supports the bill as another crucial step in creating sustainable and productive fisheries.

20:01/15. FISHERMEN AND LUMINARIES TO GATHER TO CELEBRATE GRADER’S CAREER: Over 300 people this week will attend a gala to honor the 40-year career of Zeke Grader. As most Sublegals readers are aware, Grader is the Executive Director of Pacific Coast Federation of Fishermen’s Associations and the Institute for Fisheries Resources, a leading expert in fishery science, policy, law and philosophy, and an outspoken thorn-in-the-side to those who would limit public access to the our most treasured oceanic resources. Elected officials, fishing men and women, fisheries advocates, and Grader’s friends and family will all come together at the Bay Model in Sausalito to celebrate Grader’s lifetime working in fisheries.

Grader will be reducing (to a paltry 8 hours per day) the time he spends guiding PCFFA and IFR in the fight for sustainable and productive fisheries. Among other things, Grader will be working with PCFFA’s...
new Executive Director Tim Sloane to get these Sublegals back to its weekly format. Also joining in this effort over will be Maddie Sheehan, a Nat Bingham fellow, who recently graduated from the University of Victoria and will be in the PCFFA/IFR offices over the summer, prior to beginning grad school this fall in the UK. For more information after the event, check to next issue of Sublegals.

YOUR NEWS, COMMENTS, CORRECTIONS: Submit your news items, comments or any corrections to the Editor at: sublegals@ifrfish.org, or call the IFR/PCFFA office with the news and a source at either: (415) 561-FISH (Southwest Office) or (541) 689-2000 (Northwest Office). Sublegals is a weekly fisheries news bulletin service of Fishlink. To find out more about Fishlink, list information can be viewed and you can subscribe automatically at: http://straylight.primelogic.com/mailman/listinfo/fishlink. If you have any trouble subscribing or unsubscribing, contact IFR/PCFFA directly at: fish1ifr@aol.com. “Fishlink” and “Sublegals” are registered trademarks of the Institute for Fisheries Resources. All rights to the use of these trademarks are reserved to IFR. This publication, however, may be freely reproduced and circulated without copyright restriction. Articles taken from Fishlink Sublegals may be freely reposted or reprinted with attribution to “Fishlink Sublegals.” If you are receiving this as a subscriber, please feel free to pass this on to your colleagues.

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