“This is our water. The current administration of the water by the state and federal governments doesn’t work for us. My industry is at the edge of collapse because of the way the water is managed. Every year, even in good years, we need to fight for water for salmon.”

--Mike Hudson, commercial fisherman

IN THIS ISSUE

20:29/01: 22% Fewer Baby Winter Run Salmon on Sacramento River in 2016 ....................... 1
20:29/02: Possible Delay for Dungeness Season in CA Due To Domoic Acid ...................... 2
20:29/03: CA Regulates Mining to Protect Salmon Runs, OR to Ban Practice .................. 3
20:29/04: Initiative Qualifies that would Mandate Voter Approval of Delta Tunnels ............ 4
20:29/05: NOAA Issues Report Detailing Value of U.S. Fish Catch ................................ 5
20:29/06: Thailand Revokes Licenses for Over 8,000 Fishing Vessels .............................. 5
20:29/07: No Deaths in AK Fishing Industry for First Year in Recorded History ............. 5
20:29/08: Shark Identification Program could Help Reduce Overfishing ........................ 6
20:29/09: Health of Salmon Runs Tied to Orca Population in Washington State ............... 6
20:29/10: White House Announces Fishing Accord with Indonesia ................................. 6
20:29/11: Study Reveals Extent of Mislabeling of Salmon at Restaurants, Grocery Stores ...... 7
20:29/12: Marine Fish Conservation Network Ramps Up Fishermen’s Blog ....................... 7

20:29/01. SACRAMENTO WINTER RUN CHINOOK AGAIN SUCCUMB TO DROUGHT, DIVERTER PRESSURE; WILL FALL RUN FEEL SAME HEAT? In an conference call with reporters last week, National Marine Fisheries Service (NMFS) Assistant Deputy Director Maria Rea announced that preliminary counts of outmigrating juvenile winter-run Chinook salmon on the Sacramento River were even bleaker than at this same time last year, when state and federal agencies confirmed the failure of 95% of naturally spawning winter-run fish, which are endangered, to arrive at the California Department of Fish & Wildlife (CDFW) counting station near Red Bluff Diversion Dam. According to Rea, 22 percent fewer winter-run Chinook swam past Red Bluff Dam than at the same time last year, despite the fact that several more adult winter-run spawners made it to the upper river this brood year.

Last year’s catastrophic failure of the Chinook winter-run was largely caused by failure by the U.S. Bureau of Reclamation (USBR) to maintain enough cold water in Shasta Lake to
protect salmon eggs that incubate below the dam. Those eggs require water temperatures at or below 56-degrees Fahrenheit to survive. Water temperatures in 2014 got as high as 62 degrees, at which point salmon eggs and juveniles generally experience 100 percent mortality. The news of last year's failure of the winter-run was followed by the eventual confirmation by CDFW Director Chuck Bonham that 95-98 percent of the naturally spawning fall-run Chinook experienced the same fate, succumbing to adverse temperatures late in the season.

In response to last year's tragedy, USBR in consultation with NMFS, CDFW, U.S. Fish & Wildlife Service, and the California Department of Water Resources, developed an adaptive temperature management plan for the cold water reserves in Shasta Lake. That plan purportedly included installing new temperature gauges in the Lake, refining the computer model used to schedule water releases for the year to be more protective of fish, and limiting releases through over the course of the year to protect fish. These early outmigration numbers do not bode well for the success of that plan, although at no point did water release temperatures exceed 60 degrees this year. Additionally, there remains a last hope that winter storms may flush straggling juveniles out of the upper Sacramento River, which may increase the final count of baby salmon that make it down the river.

Loss of the endangered winter-run Chinook affects the commercial salmon fishery indirectly. Each year, the Pacific Fisheries Management Council restricts the commercial salmon fishery for fall-run Chinook by closing times and areas where that fishery may incidentally contact winter-run salmon. The amount of closure is based on the geometric mean of the number of winter-run that returned to their spawning streams for the preceding three years – so the more winter-run that returned, the fewer the restrictions on the fall-run fishery. Failure of an entire year class of winter-run Chinook means that fewer fish from that brood year will survive to return to their spawning streams. With two years in a row of winter-run brood year failure, fishermen should expect deep cuts to the fall-run fishery in 2017. Furthermore, those cuts will extend to both California and Oregon, where California Central Valley-origin salmon make up the large majority of all fall-run Chinook harvested, all the way north to near the Columbia River, where Columbia runs start to dominate.

For more information, see Bettina Boxall’s 29 October article in the LA Times, or this 29 October piece in the Sacramento Bee.

20:29/02. POSSIBLE DELAY FOR DUNGENESS CRAB SEASON IN CALIFORNIA DUE TO DOMOIC ACID CONCERNS: Two years of higher-than-normal water temperatures responsible for massive phytoplankton blooms off the western United States are causing concentrations of domoic acid in Dungeness Crab meat, a neurotoxin that can cause paralysis and death in mammals. The presence of the toxin in sampled crab from ports along the coast of California may lead that state to impose a moratorium on Dungeness crab fishing until additional testing confirms that the crabs have flushed the toxin from their systems and are safe for humans to consume. Fishermen are hoping that the results of testing performed this week will reveal clean, safe crabs in time for the California season openers: 7 November for sport fishermen statewide, 15 November for commercials south of the Sonoma/Mendocino County border, and 1 December for the commercial season north of that border.
For more information, see this 2 November Eureka Times-Standard article. Dungeness crab photo by National Marine Fisheries Service, public domain.

20:29/03. CALIFORNIA PASSES LANDMARK MINING LEGISLATION THAT WILL PROTECT SALMON RUNS; OREGON LAW IMPOSES MORATORIUM ON SIMILAR MINING OPERATIONS IN JANUARY: On 9 October, California Gov. Jerry Brown signed into law Senate Bill 637 to protect California’s water supplies, fish and wildlife, and Indian Tribal cultural resources from the damaging effects of destructive recreational gold mining. The new law requires that all small-scale miners using motorized suction pumps in-river also obtain a Clean Water Act Permit from the State Water Resources Control Board before mining in California waterways.

The legislation affects suction dredge mining, high banking and any other form of mining that relies on motorized suction pumps to process materials from the banks or beds of rivers and streams. Suction dredges are powered by gas or diesel engines that are mounted on floating pontoons in the river. Attached to the engine is a powerful vacuum hose which the dredger uses to suction up the rocks, gravel and sand (sediment) from the bottom of the river. The suctioned material is then sifted in search of small flecks of gold and shot back into the river. Dredging damages fish habitat by altering the contour of the river bottom, and it often reintroduces mercury left over from historic mining operations to the water column, threatening communities downstream as well as the entire aquatic foodchain. These machines can turn a clear running mountain stream into a murky watercourse unfit for swimming or fishing. Many of the streams the suction dredge miners historically operated in have threatened or endangered salmon in them as well. In the past, regulation of these destructive activities has been poor to non-existent, and costs of the suction dredge permits were nowhere near the costs of running the program, which means that these destructive activities were also heavily taxpayer subsidized.

SB 637 was adopted after years of litigation, in much of which PCFFA/IFR were co-Plaintiffs, which had previously imposed a moratorium on suction dredge activities within California by Court order until new and more protective regulations could be created. These new regulations, once created, however, also required California Fish & Wildlife, by law, to “mitigate all damages” from these operations, which the Department then claimed was not physically or legally possible to do because it “had no authority” over clean water impacts such as mercury and other heavy metals pollution which often results from dredging. This legal and administrative problem then resulted in a de facto Legislative moratorium as well. Adding an additional permit requirement giving parallel permit authority to California water quality agencies, as SB 637 does, helps resolve that legal conundrum, and may help resolve most or all of the six civil lawsuits currently pending in California courts on these issues, which are all being coordinated in the San Bernardino County Superior Court as Suction Dredge Mining Cases, Case No. JCPDS4720. A separate criminal conviction case for illegal suction dredging is currently on appeal to the California Supreme Court.

The issue has implications for the economy as well as the environment. “For our members, this is about protecting jobs and family owned businesses which rely on healthy salmon fisheries,” said PCFFA’s Northwest Regional Director Glen Spain. The new law also brings suction dredge permit fee schedules in line with the actual costs of the program, including costs of enforcement. The new regulations also include reasonable limits on the number of suction dredges that may operation in any particular stream at the same time, and declare some of California’s most sensitive fish habitat areas off-limits to future suction dredging.
Various miner’s groups are already planning to challenge this new California law in U.S. Federal District Court, claiming that the Federal Mining Act of 1872 – a much criticized holdover law from the frontier era – makes it illegal for the State to impose any regulations over such mining operations generally. This is not, however, an argument that any federal Court has so far upheld. All have so far held that reasonable state regulation of mining activities, particularly for health and safety reasons such as in this case, or to protect important public resources (such as state fisheries) is constitutionally permitted.

In Oregon, where hundreds of California suction dredge miners went after the California moratorium went into effect, their own Legislature has been attempting to deal with the booming river miner populations and resolve the many conflicts that this has caused with local landowners, recreational river users, clean water and salmon. The 2014 Oregon Legislative Session passed SB 838, which was signed into law on 14 August 2013, which set up a process for examining these issues, including the appointment of a Governor’s Stakeholder Advisory Task Force to advise the Legislature on potential legislative options, but also imposed an automatic moratorium on suction dredging in many parts of that state to go into effect on 2 January, 2016, to last until 2 January, 2021, unless the Legislature is able to resolve these problems in the meantime. However, the 2015 Oregon Legislative Session failed to act, and so that moratorium is due to begin on 2 January 2016.

Oregon suction dredge miners recently brought suit on 20 October 2015, in the case of Bohmker, et al. vs. State of Oregon, et al. (U.S. District Court of Oregon, Medford Division, Case No. 1:15-CV-01975-CL), again claiming federal pre-emption under the federal Mining Act of 1872. Oregon miners are also planning various “civil disobedience” actions in the form of illegal mining operations when the moratorium goes into effect, according to their web sites.

For more information see a suction dredge in action on YouTube: http://www.youtube.com/watch?v=l1qwdzQ4fzI. Also see the Dan Walters Blog Column in the 22 October Sacramento Bee about SB 637.

**20:29/04. CALIFORNIA BALLOT INITIATIVE QUALIFIES FOR 2016 ELECTION; WOULD MANDATE VOTER APPROVAL OF DELTA TUNNEL PROJECT:** The California Secretary of State has confirmed that a ballot initiative that would mandate voter approval for public works projects financed with over $2 billion in revenue bonds has garnered enough signatures to qualify for the 2016 election. Massive public works projects such as the Delta Tunnels Project, which would construct two massive tunnels underneath the San Francisco Bay-Delta Estuary to facilitate water deliveries to the South San Joaquin Valley, and the California High-Speed Rail project, would each require voter approval if the initiative is successful.

A previous iteration of the Tunnels Project, in which the State would have built a “peripheral canal” around the Delta-Estuary to facilitate the same water deliveries as the Tunnels, failed at a general election in 1982 – approximately two-thirds of California voters rejected the project during that election. The current $15 billion Tunnel Project has been criticized for moving ahead without an opportunity for voters to weigh in on the need for and value of the project.

For more information, see this 2 November L.A. Times article.

**20:29/05. NOAA ISSUES REPORT DETAILING VALUE OF U.S. FISH CATCH:** The National Oceanic and Atmospheric Administration (NOAA) has issued a report delineating the dollar values of US fish catches nationwide. Highlights from the report include:
The total value of the US fishing industry, assessed at 9.5 billion pounds, totaled $5.4 billion in 2014.

- $686 million in crab caught, $681 million in shrimp caught, and $617 million in salmon caught
- Figures for recreational fisheries, port rankings, and listings of highest volume commercial species

NOAA has also issued a companion report to the 2014 fisheries data, quantifying the impact of the 2013 seafood catch on subsidiary industries such as restaurants and recreation. This report details the far-reaching influence of the fishing industry on the U.S. economy.

For more information, visit the NOAA website and download the Fisheries of the U.S. (2014) Report.

20:29/06. THAILAND REVOCKES LICENSES FOR OVER 8,000 FISHING VESSELS:
On 27 October, Thailand rescinded the licenses of thousands of fishing vessels in the wake of threats by the European Union (E.U.) to impose sanctions on Thai imports to the E.U. for failures to comply with sustainable fishing practices. Despite the impoundment of these vessels, the Thai Navy reports that the majority of the national fleet, composed of over 40,000 vessels, are compliant with E.U. regulations.

For more information, see in this 27 October article from News24.

20:29/07. NO DEATHS IN ALASKA FISHING INDUSTRY FOR FIRST YEAR IN RECORDED HISTORY:
The Alaska Journal last week reported a milestone in the massive Alaska fishing industry: for the first year since records have been kept, no deaths occurred in the course of the year’s catch. Though the National Institute for Occupational Safety and Health notes that there is some difference in definitions between those used by the Institute and other authorities, the U.S. Coast Guard reported no operational fatalities during Fiscal Year 2014 which ended last September.

The port of Dutch Harbor is one of the highest volume U.S. ports, and while the reality television program “Deadliest Catch,” filmed largely in the port, focuses on crab fishing in the Bering Sea, Coast Guard figures indicate that the salmon fishing industry has typically incurred more fatalities over the last several years.

For more information on safety and casualty figures in Alaska’s fishing business, see this 21 October article by James Brooks for the Alaska Journal. Photo of a portion of the Alaskan fleet at port by NMFS, public domain.
20:29/08. SHARK IDENTIFICATION PROGRAM CAN HELP REDUCE OVERFISHING: For certain species of sharks, Asian demand for shark fin soup is driving a precipitous drop in populations, and shark fisheries cannot sustain the current rate of exploitation. One key to reducing overfishing of certain shark species is to correctly identify the species of shark that ends up on dinner tables. To that end, researchers and conservation advocates have launched a comprehensive program of training and outreach to help raise public awareness and increase government oversight of fisheries.

For more information on this innovative initiative to reduce illegal shark catch, see this 26 October article on National Geographic voices, or visit SharkFinID.com.

20:29/09. HEALTH OF SALMON RUNS TIED TO ORCA POPULATION IN WASHINGTON STATE: New research has revealed that orca whale populations in Washington state are a strong indicator of the health of salmon runs, with orca sightings correspondingly rising or falling with the strength of salmon runs in a given year. As a result, fisheries advocates are taking a strong interest in the ongoing health of orca populations in Puget Sound and off of the Olympic Peninsula in order to better predict the robustness and likely size of salmon runs.

Endangered Southern Resident orcas rely on west coast salmon runs as a supremely nutritious food source, and range as far as Monterey, California in pursuit of those fish. Promoting strong salmon runs on inland rivers and streams is crucial to protecting orcas: 96% of Southern Resident orca prey consists of Chinook salmon in spring, summer and fall. The National Marine Fisheries Service codified the inextricable link between the two species in its 2009 Biological Opinion on Salmonids, which contains measures to mitigate impacts of California’s Central Valley Project and State Water Project on both species.

For more information on efforts to monitor and support the health of both orca and salmon populations, see this 19 October video from KOMO news of Seattle. The NMFS Biological Opinion is available from the California Department of Fish & Wildlife (auto-download).

20:29/10. WHITE HOUSE ANNOUNCES FISHING ACCORD WITH INDONESIA: On 24 October, the United States and Indonesia memorialized a Memorandum of Understanding (MOU) on Maritime Cooperation designed to promote security at sea, sustainable marine development, and sustainable use of ocean resources. Under the MOU, the U.S. will assist Indonesia by protecting marine biodiversity, developing sustainable fisheries management programs, and combatting illegal, unreported, and unregulated (IUU) fishing activity. That support is intended to improve Indonesia’s ability to comply with the U.S. seafood traceability program, which is being developed to combat seafood fraud and track IUU seafood within the U.S., which undercuts profits margins for U.S. fishermen. Additionally, the U.S. will provide funding to combat forced labor in the fishing industry under the MOU.

For more information, see this 26 October Fact Sheet on the MOU from the White House.

20:29/11. STUDY REVEALS EXTENT OF MISLABELING OF SALMON AT RESTAURANTS, GROCERY STORES: A DNA study of 82 samples of salmon from
restaurants and grocery stores in New York, Washington, Virginia and Chicago found that two-thirds of fish served at restaurants and one-fifth of the salmon from grocery stores was mislabeled, typically as “wild” where the fish was actually a farmed specimen. The study also found that species misidentification was a common problem, with lower grade salmon such as chums marketed as Kings (Chinook), and in some cases rainbow trout marketed as salmon. The report also found that while U.S. fisheries could supply 80% of the nation’s demand for wild caught salmon, over 70% of that catch is now exported. Although it may not dawn on consumers that the fish they've overpaid for is of lower quality than its wild caught counterparts, the real losers here are commercial salmon fishermen, who lose market share to farm-raised imposter fish and who don’t realize the full value of the demand for their hard-wrought product.

For more information, see this 28 October New York Times article.

20:29/12: MARINE FISH CONSERVATION NETWORK RAMPS UP FISHERMEN’S BLOG: The Marine Fish Conservation Network (MFCN), an alliance of environmental organizations with commercial and recreational fishing organizations, all committed to conserving and revitalizing wild ocean fisheries, is producing an ongoing collection of musings, tracts and tirades from America’s fishing community. Entitled “From the Waterfront,” the Internet blog deals with both local and national issues facing the fishing community, and gives fishermen and fisheries advocates alike the opportunity to share their thoughts on the state of fishing and fishing policies. PCFFA and IFR are proudly represented on the blog, with recent posts from Larry Collins, Tim Sloane, and Evan Wynns. Look for more PCFFA and IFR posts, along with posts from other fishing industry groups such as the Alaska Longline Fishermen’s Association and the Gulf of Mexico Reef Fish Shareholders’ Alliance, by stopping in at the MFCN website on a regular basis.

To check out the blog, visit MFCN’s From the Waterfront website.

YOUR NEWS, COMMENTS, CORRECTIONS: Submit your news items, comments or any corrections to Editor at: tsloane@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). If you have any trouble subscribing or unsubscribing, contact IFR/PCFFA directly at: tsloane@ifrfish.org. Sublegals is a weekly fisheries news bulletin service of Fishlink. “Fishlink” and “Sublegals” are registered trademarks of the Institute for Fisheries Resources. All rights to the use of these trademarks are reserved to IFR. All photos are by IFR unless otherwise accredited. 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 it on to your colleagues.

#####