“My son, be admonished! For of making many books there is no end, and much study is a weariness of the flesh.” -- Ecclesiastes

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20:32/01. CALIFORNIA CRAB HEARING: LITTLE HOPE FOR OPENING SOON: The California Joint Committee on Fisheries & Aquaculture on 4 December held a legislative hearing to discuss the impacts of the presence of elevated levels of domoic acid in Dungeness crab off the coast of California. The hearing was well-attended by members of the commercial and recreational fishing fleets, as well as members of various state agencies responsible for protecting public health and managing fisheries. The broad consensus arising out of the meeting was that public health and safety should be the first priorities in making any decisions related to reopening the fishing season, and that it would take deep coordination between the state and stakeholders to ensure that health and safety are adequately protected.

At the hearing, the commercial fleet overwhelmingly supported a coordinated statewide season opener for both commercial and recreational crabbing, with a one-week head start for recreational crabbing. Don Marshall, President of the Small Boat Commercial Salmon Trollers
Association and speaking on behalf of PCFFA, stated that “crabs don't abide by district lines or county lines. They are highly migratory, as seen by the anomalies and irregularities from week-to-week testing, and they are highly unpredictable.” Marshall went on to suggest that allowing for an area-by-area opener in the recreational fishery raises the risk of encountering tainted crabs. Commissioner Eric Sklar of the California Fish & Game Commission, which regulates the recreational fishery, agreed that public health and safety are the main concern. However, he noted that the Commission had already come to a decision on reopening the recreational season piecemeal as individual areas become clean, albeit without the normal public input that would otherwise have informed the decision. The California Department of Fish & Wildlife, which sets the commercial season opener, has not yet decided on a season opening protocol.

State Senator Mike McGuire and Assemblyman Jim Wood, who hosted the hearing, set the stage for requesting a disaster declaration so as to obtain economic relief for businesses affected by the crab delay, in the event the delay lasts into 2016. Mr. Marshall expressed appreciation for that preparatory work, but said he would prefer to go fishing.

For more information, see this 4 December San Jose Mercury News article, and this 3 December Santa Rosa Press-Democrat article. To stay abreast of developments in the crab season, sign up for IFR’s Domoic Acid Updates e-newsletter.

20:32/02: KLAMATH AGREEMENTS FUTURE UNCERTAIN; DAM RELICENSING PROCESS MOVING FORWARD: Despite decades-long efforts that have resulted in monumental water use and allocation Settlement Agreements between myriad stakeholder groups in the Klamath River basin, the deadline to obtain required Congressional approval of the Agreements is drawing near without significant progress. The Klamath Basin Restoration Agreement (KBRA) and Klamath Hydroelectric Settlement Agreement (KHSA) resolve 110 years of disputes between farmers, fishermen, Tribes, the States of California and Oregon and PacifiCorp, an energy company that owns several dams on the River. The Settlement Agreements provides more certainty of water deliveries to farmers and aims to restore compromised salmon and steelhead runs on the Klamath – in part by removing four PacifiCorp-owned dams. Because of the dam-removal provisions as well as numerous federal lands and water issues, Congress must approve the Agreements.

Although Representative Greg Walden of Oregon is preparing companion legislation to S. 133 by Senators Ron Wyden and Jeff Merkley, both of Oregon, which memorializes and approves the Agreements, time is running short for a Congressional vote – by their terms, the Agreements allow parties to back out if Congress has not approved them by 31 December 2015. Should Congress fail to act despite the near-unanimous support for the Agreements by local stakeholders, the next step for supporters of dam removal will be to contest the resumed process by which the Federal Energy Regulatory Commission’s (FERC) may act on relicensing of the dams. FERC Staff have already recommended full relicensing of the Project, which could be as long as 50 more years.

The FERC relicensing process allows for stakeholders to weigh in on whether operation of the dams for the next 30-50 years is in the public interest. As a step in that process, state regulators must determine whether dam operation will result in detriments to water quality in the river, and if so, what mitigation measures must be taken. On 30 November, the California State Water Resources Control Board announced that it will begin the water quality certification proceedings beginning with scoping meetings in January 2016. The Oregon Department of Environmental Quality has yet to announce its water quality certification schedule. These processes are first opportunities to comment on potential water quality impacts of continued operation of the dams.
For more information, see this 2 December Fresno Bee article on dam relicensing and this 3 December Herald and News article on S. 133. Information on the California water quality certification proceedings is available from the State Water Resources Control Board website.

20:32/03. FEDERAL DROUGHT BILL LEAKED; FEINSTEIN REBUKES MCCARTHY:
Federal drought-relief legislation authored by Representative Kevin McCarthy was leaked on 4 December, and called into question whether the Republican camps who have for weeks been working their Democratic counterparts on a compromise drought relief bill are negotiating in good faith. Senators Dianne Feinstein and Barbara Boxer, and Representative David Valadao submitted competing drought relief bills earlier this year, and have since been trying to iron out a compromise. Senator Feinstein immediately denied that she endorsed the leaked bill, which came from Representative Kevin McCarthy’s office, stating that “[the leak is] regrettable, not only because I believe we remain close to an agreement on a broader bill, but also because it stands in opposition to my desire to do a bill in an open and public manner.”

The leaked bill was primed to have been included on the Omnibus Spending Bill, a “must pass” bill which appropriates federal money for government operations. Senator Boxer released a statement calling it “outrageous that Congressman McCarthy is making a last-minute attempt to place a complicated and unvetted water bill that impacts millions of Californians on the Omnibus at the 11th hour.” The leaked bill likely represents another attempt by Republican lawmakers to skirt the public process and undermine fish and environmental protections so as to provide more water deliveries into the San Joaquin Valley. Sublegals will continue to follow this story as it develops.

For more information, see this 4 December press release from Senator Feinstein.

20:32/04. ALASKA SEAFOOD FREE OF FUKUSHIMA-RELATED NUCLEAR CONTAMINATION:
The State of Alaska Department of Environmental Conservation on 30 November announced its finding that no Alaskan seafood samples tested for the presence of radiation related to the Fukushima nuclear plant disaster in Japan in 2011 came back positive for that radiation. Officials sampled king (Chinook) salmon, chum (dog) salmon, sockeye (red) salmon, pink salmon (humpies), halibut, pollock, sablefish, and Pacific cod, and found no detectable radionuclides associated with Fukushima, which released nuclear contamination into the environment after a devastating earthquake and tsunami hit Japan in 2011.

For more information, see this 30 November press release from the Alaska Department of Environmental Conservation.

20:32/05. REGISTER NOW FOR ALASKA YOUNG FISHERMEN’S SUMMIT:
Registration is now open for the Alaska Young Fishermen’s Summit, which is set to take place in the Westmark Baranof Hotel in Juneau, AK on 27–29 January 2016. The Summit provides information and opportunities to fishermen who are beginning their careers. This year’s program will focus on fishing business management, fisheries management procedures, and the role of Alaskan seafood in the global food supply. Attendance costs $100.00 if you register before 12 January, and $125.00 thereafter.

For more information and to register, visit the Alaska Young Fishermen’s Summit webpage.

20:32/06. WITH APPROVAL OF FRANKENFISH COMES FLOOD OF CRITIQUES:
Since we reported on the federal Food & Drug Administration’s (FDA) approval of Aquabounty’s
“AquaAdvantage” genetically engineered (GE) salmon product, a wealth of editorials in national newspapers has focused on the need to inform consumers that they may be purchasing GE food products – a requirement that FDA punted when they issued guidelines for voluntary labeling GE foods along with their approval of AquAdvantage, rather than mandatory regulations. The AquAdvantage fish, which has been approved as a safe drug for human consumption, is actually a genetic compound of Atlantic salmon and ocean pout, and is engineered to grow to market size in two years rather than three. Critics worry that, despite restrictions on where AquAdvantage fish may be grown, they will escape into the wild and attack wild salmon gene pools, eventually outcompeting and eliminating historical salmon runs.

To Review Critiques of GE Fish, see this 1 December New York Times editorial, this 2 December New York Times editorial, this 16 November Vice News article, and this 1 December Salon column on what happens when a GE fish and a King salmon meet in a stream.

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.

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