I am told by many of you that I must forgive and so I shall after that salmon swims through the mouth of the Spokane River as it meets the Columbia, then upstream, until it arrives in the shallows of a secret bay on the reservation where I wait alone.

-- Sherman Alexie
"The Powwow at the End of the World"

20:33/01. FEDERAL GRANT MONEY FOR DELTA TUNNELS OBTAINED THROUGH MISREPRESENTATION: Documents obtained pursuant to a PCFFA Public Records Act (PRA) request have revealed possible misrepresentations on the part of the California Department of Water Resources (DWR), the state agency in charge of planning the Delta Tunnel project, used to obtain federal funds for planning and construction of the Tunnels.

In July 2015, DWR and the Bureau of Reclamation (Bureau) finalized a grant agreement by which the Bureau would provide $17 million in federal taxpayer money to DWR under the Fish & Wildlife Coordination Act (FWCA). DWR’s grant proposal, for which the funds were disbursed, described planning activities for the habitat restoration aspects of the original Bay Delta Conservation Plan. However, those habitat restoration portions of the plan, designed to offset the environmental impacts of the Tunnel project so as to enable operations, had been scrapped back in April 2015 when DWR and the Bureau realized that there would be no way to obtain a 50-operating permit. At that point, the original plan was split into two parts: the tunnel
construction portion, now called Cal Water Fix, which is moving ahead; and the habitat restoration program called Cal Eco Restore, which is gathering dust.

Accordingly, the execution of a $17 million habitat restoration grant while Tunnel construction is moving ahead at a furious pace, raises several questions about how DWR will put those federal funds to use. While the purpose of FCWA is to protect increase wildlife resources, it seems likely the grant will be used for planning the Delta Tunnel construction – a activity that will have significant negative consequences for the San Francisco Bay Delta Estuary and the species, like Chinook salmon, that depend on it.

For more information, see this [10 December PCFFA and Restore the Delta press release](#). The DWR/Bureau grant agreement is [available here](#).

**20:33/02. DROUGHT DEAL FALLS APART: NORTHWEST SENATORS SUPPORT SALMON PROTECTIONS:** Attempts at shaping a compromise drought relief bill for California fell apart last week when Republican members of the House of Representatives attempted to throw a last-minute rider on the omnibus spending bill, a must-pass bill that appropriates money to fund government operations. Despite having been working with Democrats on a compromise bill for the last several weeks, Republicans submitted a rider that would have rolled back environmental protections for threatened and endangered species, including some salmon, and would have enabled increased pumping from the San Francisco Bay Delta Estuary that deprives critical salmon habitat of fresh water on which it depends. Senator Dianne Feinstein, the lead Democratic negotiator on compromise drought legislation, immediately disavowed the rider and challenged Republicans to resume the negotiation process rather than sneaking their own provisions onto critically important legislation.

Since this story broke last week, Republicans have publicly announced that any prospects for federal drought relief in California are dead. Democrats, however, remain ready to negotiate, with Senator Feinstein issuing a statement today indicating that a compromise bill could still be ready for committee markup next week.

It is critically important that our congressional delegates get federal drought relief legislation right. Impacts from the drought are being felt in almost every economic and social sector in California, and whatever form of relief legislation eventually makes it through Congress will likely have a strong precedential impact on California water policy for years to come. At issue are water allocations across economic sectors in California, food security from both fisheries and agriculture, fresh drinking water, and urban growth and development, and critical protections for the environment.

In the midst of this ongoing battle, Senators representing Oregon and Washington came to the defense of California’s fisheries by issuing a letter urging drought relief negotiators to consider the impacts of drought relief in California on the economies of Oregon and Washington. Salmon fisheries in those states depend on healthy California salmon runs, as fish born in California can migrate and be caught as far North as British Columbia during the ocean portion of their life histories. Those runs are impacted when water deliveries from the San Francisco Bay Delta Estuary increase, a key component of the Republican drought relief strategy.

For more information, see this [7 December NRDC blog](#) that describes the fish and wildlife protection rollbacks in the Republicans’ proposed rider. We covered the fight between Democrats and Republicans over the leaked rider in [Sublegals 20:32](#). This [10 December Sacramento Bee article](#) describes fallout from the fight on the Republican side. Senator
Feinstein’s comments on the future of a compromise bill are available at Maven’s Notebook. The Northwest Senators’ letter is available at the IFR website.

20:33/03. NATIONAL MARINE FISHERIES SERVICE SUED OVER WEST COAST GROUNDFISH CATCHSHARE PROGRAM: Two west coast fishing and fish processing companies, Pacific Choice LLC and Sea Princess LLC, filed suit earlier this month in Federal Court in Eureka, California, alleging mismanagement of groundfish stocks by the National Marine Fisheries Service (NMFS).

The suit alleges that groundfish quotas in particular and stock management in general have failed to produce the economic benefits that are the proposed goal of the present management strategies. The petitioners allege that current rules related to Individual Fishing Quota (IFQ) ownership run counter to established rules governing corporations and property ownership. Specifically, petitioners allege that the portions of the groundfish Fishery Management Plan that require an entity controlling more than 2.7% of the fishery’s total quota to divest the excess quota are illegal.

Petitioners also allege that the current rules are ineffective in protecting stocks, and are damaging the commercial future of fishing enterprises beyond repair, reducing the viable groundfish fleet in the Northern California/Southern Oregon region to two companies and a handful of boats over the last decade. The suit asks the District Court to vacate current NMFS rules and obligate the agency to reformulate groundfish management on the west coast Pacific in the hope of getting rid of the divestiture provisions, or the entire IFQ program.

For more information, and to read the text of the complaint, see the 4 December filing with the District Court here.

20:33/04. U.N. WOMEN HIGHLIGHTS THE ROLE OF WOMEN IN FISHERIES: The United Nations Entity for Gender Equality and the Empowerment of Women, better known as U.N. Women, released a statement emphasizing the underappreciated but pivotal role that women play in fisheries work worldwide. Marriette Correa, gender and development expert for U.N. Women, pointed out that women make up half of the worldwide workforce related to seafood harvesting, when processing, aquaculture, and fisheries are taken into account. The role of women in fisheries is particularly prominent in the developing world and in small-scale and artisanal fisheries. Ms. Correa also noted that women in fishing and related roles often have difficulty obtaining recognition for their work as they are usually unorganized and work in greater numbers in underdeveloped economies, where they face unsafe and unhygienic working conditions.

For more information on the huge impact the work of women has on fisheries worldwide, see this 16 September report from UN Women.

20:33/05. REPRESENTATIVES DEFAZIO AND YOUNG CHALLENGE FDA APPROVAL OF ‘FRANKENFISH’: US Representatives Don Young (R-Alaska) and Peter DeFazio (D-Oregon) have launched a campaign to reverse the Food and Drug Administration’s (FDA) recent decision approving genetically engineered (GE) salmon as the first GE animal cleared for human food consumption. The FDA has approved a process of gene manipulation in Atlantic salmon that would incorporate DNA from Chinook salmon and ocean pout, with the supposed result that the GE fish would grow faster and produce higher yields.
The Congressmen point out that the full effects of GE are unknown in animals, both in terms of human consumption and their potential effects on wild populations. Furthermore, several initiatives have been put in place to prevent identification of GE meat in the consumer market, a further cause for concern cited by the Representatives and consumer advocacy groups. The Congressmen have introduced a bill, H.R. 913, which would require identification of GE food products for consumers.

For more information on the challenge to the FDA’s approval of GE salmon, see this 9 December editorial in The Hill.

20:33/06. GOLDEN GATE SALMON ASSOCIATION WINS VICTORY WITH FEATHER RIVER EGG INJECTION: In the culmination of years of effort, PCFFA and IFR ally the Golden Gate Salmon Association (GGSA) won a major victory earlier this month when officials of the California Department of Fish & Wildlife injected fertilized eggs from the Feather River hatchery into gravel in the river in an attempt to boost future stocks. This is the first time eggs have been planted by humans in a river in California.

Egg injection has increasingly been used in years to shore up declining natural fish populations, and has been hailed as a success in Alaska and Oregon for decades. The injections are needed to counteract high numbers of eggs that die when drought conditions force water temperatures up. “Egg injection could be a powerful tool to offset future salmon losses caused by drought”, said GGSA Executive Director John McManus. Measures are already in place to net and count the emerging fry in January in order to gauge the success of the program.

For more information on GGSA and its egg injection initiative, see their 9 December press release.

20:33/07. CRAB CLOSURE HITS HOME FOR CALIFORNIA AND OREGON FISHERMEN: This season’s ongoing closure of the Dungeness crab fishery continues to wreak havoc on the livelihood of fishermen in the region. The closure, due to high levels of algae that cause domoic acid to accumulate in crab and can in turn cause toxicity in humans, has essentially paralyzed the Pacific Coast fishing industry. Fishermen from southern California to Washington State depend on Dungeness crab as a significant source of income, especially now that salmon runs have seen year by year decreases in numbers and size. The California crab fishery alone brings in between $50-$100 million every year for the state’s fishermen.

Recent sampling results from the California Department of Public Health continue to show a downward trend in domoic acid levels in crabs taken off the California coast. However, the closure remains in place until fishermen and the state government are absolutely certain that any crabs brought to port are safe for consumers to eat.

For more information on the ongoing Dungeness crab season closure and its effects on fishermen, see this 9 December article by Kim Kenny of Peninsula Press.

20:33/08. WARM WATERS ABATE BUT ‘BLOB’ PROBLEMS REMAIN, SAY MARINE RESEARCHERS: As previously reported in Sublegals, the mass of warm water known as ‘The Blob’ had scientists and fishermen alike concerned with unusually high Pacific Coast water temperatures and worrying impacts on marine life. The coming winter’s apparent cold snap seems to have largely dissipated the warmer waters, returning conditions to something closer to normal. Nevertheless, researchers have pointed out that ‘the Blob’s’ effects still linger, and even
if this winter sees colder temperatures return, the impacts of warmer waters may be very long lasting.

Northern Pacific fishermen have been feeling the effects of the warmer waters for some time, with this year’s devastating crab closure blamed on algal blooms that thrive in warmer water. Other unsettling symptoms of a warmer northern Pacific include mass whale beachings and record numbers of starving seal pups. The ultimate disposition of the warmer waters’ effects remains to be seen. Though observers are hopeful that a colder El Niño winter might dispel the abnormal temperatures for a longer time, some scientists worry that if the patterns of warmer waters are more pervasive, they may not disappear entirely before spring warming occurs.

*For more information* on the effects of ‘the Blob’ and current scientific consensus around it, see this [4 December article from Amy McDermott of the Monterey Herald](http://montereyherald.com/2015/12/04/)

**20:33/09. OYSTER FARMERS JOIN OPPOSITION TO NATURAL GAS PIPELINE IN OREGON:** A report earlier this month by KUOW in Seattle highlights the opposition of oyster farmers to a proposed liquid natural gas (LNG) pipeline which would terminate in Coos Bay.

The oyster farmers join a coalition of environmental concerns that oppose LNG consumption and extraction (much of it via the controversial practice known as fracking) as a key driver of climate change and continued dependence on fossil fuels. The oyster farmers’ are particularly worried that excavations for the pipeline, which would take advantage of the port by ending in the bay, would dig up high levels of silt, interfering with the bivalves’ filter feeding and essentially choking them to death. Oyster farming is a key industry in Coos Bay, which hosts many acres of oyster beds and multiple oyster farming concerns. The pipeline project still awaits approval from state and federal authorities.

*For more information* about the proposed LNG pipeline and opposition to the project, see this [8 December piece by Chris Lehman of KUOW](http://kuownews.org/2015/12/08/)

**20:33/10. CALTRANS COMPLETES SALMON PASSAGE ON SULTAN CREEK:** Caltrans announced this month that it had completed work on a new bridge over Sultan Creek in Del Norte County, close to the Oregon border, which allows salmon to cross beneath the roadway safely on their way to spawn upstream. A narrow culvert previously blocked the bridge, and prevented salmon from traversing the roadway. This made Sultan Creek yet another former nesting site of salmon that would no longer play host to the fish. Project biologists hope that now salmon will once again be able to populate their former home stream and provide a boost for the local fishery.

*For more information* on the new bridge over Sultan Creek, see this [8 December report by Jeremy Chen of North Coast News](http://www.northcoastnews.com/)

**20:33/11. YOUR MOMENT OF SALMON ZEN: WHAT A HEALTHY RUN LOOKS LIKE:** While the west coast crab fleet languishes under with the continued impact of the delayed season opener, and many other *Sublegals* readers start to feel the stress of the holiday season, we invite you all to take five minutes out of your day to witness one of nature’s most magnificent spectacles: a healthy salmon migration wending its way to its natal streams. Caught by a Washington Department of Fish & Wildlife biologist on assignment in Alaska, this video features drone footage of Sockeye salmon near Iliama Lake in an area threatened by the proposed Pebble Mine. *This is what we’re fighting for.*
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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