The greatest country, the richest country, is not that which has the most capitalists, monopolists, immense grabbings, vast fortunes, with its sad, sad soil of extreme, degrading, damning poverty, but the land in which there are the most homesteads, freeholds – where wealth does not show such contrasts high and low, where all men have enough . . .

-- Walt Whitman

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21:05/01. CRAB UPDATE: OPENING PROTOCOL, DISASTER DECLARATION, MORE: With our apologies, readers, Sublegals has been remiss in reporting the quickfire activity around the crab fishery over the last two weeks, despite which commercial crabbers remain off the water. Here’s a rundown of all the activity:

California Governor Jerry Brown on 9 February issues a long-anticipated letter to U.S. Secretary of Commerce Penny Pritzker requesting that the Secretary declare a fishery disaster in California due to the persistence of domoic acid contamination in Dungeness and Rock crabs. The letter is seen as a crucial step in the march toward obtaining federal disaster relief for crabbers, who have lost the vast majority of the fishing season due to the ongoing closure. Governor Brown estimated the loss at 71% of the expected revenue to crabbers, or about $60 million, despite that the crabbing season may still open and would not close until 30 June at the earliest.
Crab revenue is front-loaded to the early part of the season, when the resource is most abundant, quality peaks, and demand spikes around the Christmas and New Years holidays. Crabbers are now waiting for Secretary Pritzker’s response to Governor Brown’s letter. If the Secretary does declare a fishery disaster, the next step would be to seek a disaster relief appropriation from Congress. Coastal California Representatives Jackie Speier and Jared Huffman are said to already be developing an appropriation bill ahead of the Secretary’s announcement.

Citing an all-clear call from the California Department of Public Health (CDPH), the California Fish and Game Commission on 11 February opened recreational crabbing south of Pt. Reyes. The move represents the fact that all coastal testing sites from San Francisco southward have had two consecutive clean tests for domoic acid in crabs. The Commission’s emergency regulations that closed the recreational crab fishery also provided for the automatic opening that fishery when DPH gave the all-clear. Recreational crabbing remains closed North of Pt. Reyes, as well as on the Channel Islands; all commercial Dungeness crabbing in the state remained closed.

Opening of the recreational fishery at Pt. Reyes prompted the California Department of Fish & Wildlife (CDFW), which manages the commercial fishery, to offer commercial crabbers the opportunity to open their season in the same area south of Pt. Reyes. The fleet was able to reach a broad consensus, though not a unanimity, to keep that area closed to commercial fishing. Despite the financial hardship of not being able to fish, crabbers agreed that opening the fishery at an unprecedented management line would have negative repercussions for the health of the crab resource, the safety of the fleet, and consumer confidence in the product. After taking public comment via a 16 February Dungeness Crab Task Force (DCTF) conference call, CDFW opted to accept the advice of PCFFA, the DCTF, and the majority of the fleet keep the season close at least until entire portions of traditional management zones tested clean.

The fishery remains closed for the foreseeable future, pending clean test results in Bodega Bay, which would open crab grounds from the Sonoma/Mendocino County line to Pigeon point); Fort Bragg, which would open grounds from the Sonoma/Mendocino County line to Humboldt Bay; and/or Trinidad, which would open the grounds from Humboldt Bay to the Oregon Border.

For more information, see this [9 February Santa Rosa Press-Democrat article](#) on the disaster request, or check out a copy of [Governor Brown’s 9 February letter](#) to Secretary Pritzker. For information on the opening of the recreational crab fishery, see this [11 February SFGate.com article](#). For more information on the debate over the commercial fishery opener and CDFW’s decision, see this [17 February San Jose Mercury News article](#), and read [PCFFA’s 16 February letter to CDFW](#) supporting a delayed opener. Domoic acid test results are available from [CDPH’s website](#).

**21:05/02. CALIFORNIA WATER BOARD MOVES AHEAD WITH DELTA TUNNELS EVIDENTIARY HEARING DESPITE LACK OF COMPLETE PETITION:** The California State Water Resources Control Board (State Board) decided on 11 February to proceed with consideration of the U.S Bureau of Reclamation (BOR) and California Department of Water Resources’ (DWR) change of point of diversion petition, a procedural step required to continue the march toward construction of Cal WaterFix, despite lack of a complete application form DWR and BOR and an incomplete record on which to adjudicate the petition.

Opponents to Cal WaterFix, more commonly known as the Delta Tunnels Plan, an opportunity to formally raise objections to the petition at the State Board’s first hearing on the
issue the point of diversion change petition on 28 January. At the hearing, fishing and environmental groups, including PCFFA and IFR, argued that it would be improper for the State Board to consider the petition without first completing the long overdue Bay-Delta Water Quality Control Plan, which would set the water quality and quantity criteria for all beneficial uses of the the San Francisco Bay-Delta Estuary, which include downstream fisheries, drinking water, farming and endangered species. The Plan is seen as critical to informing the State Board’s analysis of whether the Delta Tunnels would divert too much water upstream of the Delta-Estuary and put several species, including commercially valuable fall run Chinook salmon, at risk.

Additionally, opponents argued that incomplete environmental reviews of the Delta Tunnels, required by the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), and the Endangered Species Act, should be finished before the State Board begins its review of the petition so as to inform the Board of the project’s potential impacts. The State Board also accepted comments at the hearing on the adequacy of the proposed hearing schedule and procedures.

The State Board issued a ruling on the issues presented at the 28 January meeting, agreeing in many ways with the issues raised by Tunnel opponents, but refusing to dismiss the hearing outright. The Board held that the petition hearing will proceed in parallel with the required environmental reviews and water planning, but gave protestors additional time to prepare their case against Tunnel supporters.

For more information, read the State Board’s 11 February ruling.

21:05/03. FUTURE OF OFFSHORE DRILLING STILL UNCERTAIN: Federal authorities continue to debate the proper role of marine drilling in America’s energy strategy, with some arguing for more fossil fuel capture in native waters as a way to ease reliance of foreign supplies, and others pointing out that our already threatened oceans can hardly bear any new catastrophes like the BP Deepwater Horizon disaster of 2010. Advocates point out that several drilling concerns in the Gulf of Mexico have already instituted new safety measures in the wake of the disaster, and claim that BP wasn’t complying with existing rules in the first place. These concerns are especially relevant as the Department of the Interior began final deliberations over new rules for equipment standards and inspections aimed at preventing a repeat of such a disaster. Pro-drilling interests claim the new rules could curtail oceanic energy exploration by as much as 55%.

Meanwhile, the Senate amended this month the Energy Policy Modernization Act of 2015 so as to blocks seismic testing for Methane Hydrate, a potentially lucrative but dangerous form of natural gas. The amendment, sponsored by the two Democratic Senators for New Jersey, is aimed at protecting the US’ Atlantic coast, where potentially rich deposits of Methane Hydrate have been discovered.

For more information on evolving rules governing offshore drilling on America’s Continental Shelf, see this 5 February press release in the Cape May County Herald, or this 5 February article by Richard Rainey for the New Orleans Times-Picayune.

21:05/04. SALMON NUMBERS IN: CENTRAL VALLEY RETURNS FLAIL WHILE RETURNING FALL CHINOOK SET RECORD IN WASHINGTON: The Pacific Fishery Management Council this week released its Review of 2015 Ocean Salmon Fisheries, an annual report on the numbers of salmon that were caught in the ocean as well as those that returned to their natal streams. Return numbers for Sacramento River fall run Chinook were not
promising at at 112,000 returning fish, about one-third of the preseason estimate, and lower than then target of 122,000 – 180,000 that supports a robust fishery. The California Department of Fish & Wildlife will be hosting a public meeting on 2 March to discuss what those numbers means for the 2016 salmon fishery.

However, in a rare note of good news for salmon observers, Nez Perce tribal data showed this month that returning Chinook have built a record number of reds, or gravel nests, for the third straight year, totaling 9,345 in the Snake River basin. This tally rivals that made when the highest count of returning adults on record was made since the construction of the four lower snake river dams over 40 years ago. In that year, nearly 60,000 adults returned to the river.

**For more information** on this year’s return of fall Chinook to the Snake River, see this [7 February report from the Bellingham Herald](#), and check out the [2015 Review of Ocean Salmon Fisheries](#) form the PFMC. See this [19 February Fish Sniffer article](#) for info on the CDFW meeting.

**21:05/05. TRIBAL LEADERS SEEK SOLUTIONS FOR SALMON TO SPAWN ABOVE GRAND COULEE:** In a report published last week, the Yakima Herald details efforts by five tribes – the Spokane, Coeur d’Alene, Kalispel, Kootenai, and Colville- to restore the ability of salmon to swim above the Grand Coulee dam. The Grand Coulee, inaugurated in 1942, is the largest electric power producing facility in the US, and unlike many later dam designs, it entirely blocks access by fish to the river that powers it. The current proposals to remedy this include fish ladders or so-called salmon cannons- pneumatic tubes that lift fish through hydraulic pressure. Fish can also be trucked around obstacles like dams, but this method is time consuming, expensive, and relatively ineffective for fry heading out to sea. Any proposals require feasibility studies, which the Northwest Power and Conservation Council has requested. Such a study would be completed no earlier than 2017.

**For more information** on efforts to restore salmon to the headwaters of the Columbia, see this [7 February report by Nicholas Geranios of the Yakima Herald](#).

**21:05/06. MONTEREY BAY NATIONAL MARINE SANCTUARY SEEKS ADVISORY COUNCIL MEMBERS:** The Advisory Council for the Monterey Bay Marine Sanctuary is seeking 18 applicants to fill seats for the coming year. The Council meets five times yearly in different cities adjacent to the Sanctuary, which stretches from Cambria to the coast north of San Francisco and is one of the largest in the country. New Council members are selected based on experience and professional expertise, and the Council considers matters such as management plans, submarine cable agreements, kelp harvesting, shellfish collection, vessel traffic, and a host of other issues affecting the Sanctuary.

**For more information** on the Advisory Council, or to apply for a seat, see this [7 February report from the San Luis Obispo Tribune](#).

**21:05/07. COASTAL COMMISSION REMOVES TOP OFFICIAL DESPITE PUBLIC SUPPORT:** In an uncharacteristically dramatic proceeding on 1 February, the influential but generally low-profile California Coastal Commission dismissed its Executive Director Charles Lester. In a close 7-5 vote, the Commissioners removed Mr. Lester after a 4 ½ year tenure in which supporters say he was a staunch advocate of maintaining natural conditions within the jurisdiction of the Commission.
After the charged meeting, Commissioners contended that their dismissal of Lester had nothing to do with the kind of pro-development agenda alleged by their detractors. For the moment, the Deputy Director will take over Lester’s duties while the Commission seeks a replacement, but it is unknown what Mr. Lester’s ouster may mean for the ongoing policies affecting California’s coast.

For more information on Charles Lester’s removal as Executive Director of the Coast Commission, see this 12 February report by Tony Barboozza and Dan Weikel of the Los Angeles Times.

21:05/08. NOAA RELEASES ACTION PLANS FOR EIGHT ENDANGERED SPOTLIGHT SPECIES: The National Oceanic and Atmospheric Administration (NOAA) last week released a series of plans for preservation and recovery of eight species from around the nation. Sensitive fisheries covered by the plans include segments of Atlantic salmon, California Coho salmon, and Sacramento River winter-run Chinook salmon. NOAA officials stress that a key part of their mission is marine species stewardship under the Endangered Species Act (ESA). In support of this mission, NOAA formulates these plans for species at particular risk of extinction, so that no ESA-listed populations are eradicated under NOAA’s protection. Other species covered by plans released last week include Cook Inlet beluga whales, Hawaiian monk seals, Puget Sound resident orcas, Pacific Leatherback sea turtles, and white abalone.

For more information on NOAA’s action plans, or the download details on the plans, visit NOAA’s Species in the Spotlight page here.

21:05/09. WASHINGTON, ALASKA SENATORS INTRODUCE BILL TO PUT MORE U.S.-CAUGHT SEAFOOD IN SCHOOL LUNCHES: A Senate bill introduced by Maria Cantwell (D-WA) last week aims to spur more purchase of U.S. seafood under the National School Lunch program. The bill S. 2529, would require that fish and fish products served through the program be caught in US waters or by US flagged vessels. The new bill would modify the “Buy American” provision of the Richard B. Russell National School Lunch Act, and prevent U.S. government expenditures from subsidizing the harvest of less sustainable, lower quality seafood from abroad in favor of supporting American fishermen.

For more information on S. 2529, or to read the proposed legislation, see this 11 February press release from Senator Cantwell’s office.

21:05/10. OREGON STUDY INDICATES THAT HATCHERY FISH MAY CHANGE GENETICS OF WILD POPULATIONS: Oregon State University researchers gathering data from both hatchery-raised and wild-caught steelhead in the Hood River have reported verifiable differences in genetics among hatchery populations after only a single generation. The findings may indicate more rapid adaptations to a human controlled environment in fish populations than previously thought. Researchers state that the findings do not show what traits are favored by the captive fish populations, and despite concerns that interbreeding with hatchery fish may make wild populations less fit for survival, these results may also indicate a possibility of breeding traits into hatchery fish that more closely mimic conditions in nature.

For more information, see this 17 February piece by Kelly House of The Oregonian.

21:05/11. HEARING ON STATUS OF MAGNUSON-STEVENS SCHEDULED FOR LATE FEBRUARY: The U.S. Senate Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard has scheduled a 23 February hearing to review the state of the Magnuson-Stevens Act (MSA) and its effect on fisheries health and sustainability. The MSA, which governs
US fisheries management, is currently in its 40th year, and the Subcommittee will assess the successes, challenges, and likely future impacts of the law in its 4th decade. In particular, the hearing will address the pending revisions of the MSA’s National Standard 1, which addresses protections from overfishing. The hearing is scheduled for 23 February at 2:30 pm, and will take place in Room 253 of the Senate Russell Office Building.

For more information, see this 17 February press release, which also includes a web address for a live stream of the hearing.

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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