"If all politicians fished instead of spoke publicly, we would be at peace with the world."
-- Will Rogers

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21:03/01. Crab Update: State Legislature Urges Governor to Request Disaster Declaration: California Senator Mike McGuire, California Assemblymember Jim Wood, and the nine other members of the Joint Legislative Committee on Fisheries and Aquaculture mailed on 25 January a letter requesting California Governor Jerry Brown to request a fishery disaster declaration from the U.S. Department of Commerce for impacts stemming from the persistence of domoic acid in Dungeness crabs in California. Crabbers, many of whom do not have access to other fisheries during the crab season, are experiencing severe economic hardships due to the inability to access this resource, which is normally a major contributor to the fleet’s annual income.

The Dungeness fishing season would have opened on 15 November 2015 but for the contamination. Domoic acid sampling by the California Department of Public Health has shown a downward trend – today’s results from Crescent City are clean in one area and nearly clean in a second – but fishing will not resume until results are clean over two tests at least seven days apart. The crab fleet stands by the need for statewide clean tests, which are critical to protecting the public’s health and wellbeing.
Under the Magnuson-Stevens Fisheries Conservation and Management Act, only certain entities may request a fishery disaster declaration, including the Governor of an affected state. The letter from state legislators requests that Governor Brown initiate the disaster declaration request to the U.S. Department of Commerce, the parent agency for the National Marine Fisheries Service (NMFS), which is in charge of regulating federal fisheries. Once Commerce has received the request, it will charge NMFS with evaluating whether a fishery disaster has indeed occurred. If so, the Secretary of Commerce will declare a fishery disaster, which enables NMFS to distribute available disaster relief, and allows Congress to appropriate federal funds for the same purpose.

In support of the request for a declaration, crabbers are encouraged to contact Governor Brown’s office to describe the extent of their hardships. All crabbers should also submit an economic injury worksheet to the California Office of Emergency Services.

For more information, see Senator McGuire’s 25 January press release and the Joint Committee’s 25 January letter to Governor Brown. See also this NMFS Fact Sheet on Fishery Disasters. Domoic acid testing results are available from the CDPH website.

21:03/02. NEXT CHAPTER FOR KLAMATH DAM REMOVAL: COMMENT PERIOD OPENS FOR WATER QUALITY PERMITTING IN CALIFORNIA: Since Congress was unable to approve last year a multilateral stakeholder agreement that resolved water right conflicts and provided for the removal of four fish-killing dams on the Klamath River, the fight for dam removal has moved to a new setting. Dam owner PacifiCorp is once again pursuing federal relicensing of its hydroelectric dams, a process before the Federal Energy Regulatory Commission (FERC) that has been held in abeyance since stakeholders in the Klamath Basin agreed on the Settlements and began seeking Congressional approval. Now that the deadline for Congress’s authorization has passed, PacifiCorp is resuming the relicensing process, which requires state Clean Water Act water quality permits from the states in which the dams are located.

Three of the dams are in California, where the State Water Resources Control Board (“State Water Board”) last week began taking public comments aimed at identifying the list of issues it will consider in assessing whether recertification of the dams will result in water quality impacts, and how dam operators must address those impacts. While failure to meet water quality standards could result in closure of the dams, a far more likely result is that the State Water Board would require various mitigation measures designed to offset the dam’s water quality impacts by improving water quality elsewhere. Be that as it may, opponents to the dam’s relicensing, including PCFFA and IFR, raised as many issues as possible relevant to the dams’ impacts on water quality at multiple scoping meetings and in written form. The State Water Board’s comment period official closes on 29 January, but State Water Board staff will still accept scoping comments afterwards for some unspecified period of time. Oregon will begin its parallel process for the one dam in that state later in 2016.

For more information, see this 26 January Oregon Public Broadcasting article. See also PCFFA and IFR’s written scoping comments at the IFR website.

21:03/03. WORLD SALMON PRICES AT 30-YEAR HIGH DUE TO PEST ISSUES IN NORWEGIAN FISH FARMS: An outbreak of sea lice in Norwegian net pen fish farms has driven the price of farmed salmon to record highs as the aquaculture industry struggles to keep up with demand for clean fish in the world market. Norway is the largest exporter of farmed salmon in the world. Experts predict that higher prices will trickle down to consumers, primarily in Europe, over the next few months. Norwegian salmon reached a high of about $3.25 per pound because of the drop in supply and increasing demand. Whether this price surge trickles
down to West Coast producers of wild caught salmon, who won’t be fishing until later this year, remains to be seen.

For more information, see this [28 January Bloomberg News article](#), and this [29 January Bloomberg News video](#) which includes shots of the inner workings of an industrial-scale salmon farm.

21:03/04. CALIFORNIA FISHERIES FORUM SET FOR 11 FEBRUARY IN SACRAMENTO: The California Joint Committee on Fisheries & Aquaculture will be hosting the 43rd Annual Fisheries Forum, which has been renamed for the late W.F. “Zeke” Grader, Jr., on 11 February in Room 112 at the State Capitol in Sacramento. The forum provides commercial fishermen the opportunity to discuss issues directly with California State legislators. An agenda for the event is in the process of being finalized. Stay tuned for more information.

For more information, see the [Fisheries Forum page](#) on the Joint Committee’s website.

21:03/05. OREGON SEEKS COMMENT ON HALIBUT SPORTFISHING DATES: The Oregon Department of Fish and wildlife has asked halibut fishermen in that state to weigh in on preferred dates for Spring sport fishing season on the Central Oregon Coast. Anglers can submit their preferences for primary and secondary season opening dates via phone, web survey, or in person on Feb. 2 at the Department’s Newport office.

Department officials note that halibut is one of the more sought-after species in Oregon fisheries, and they want to ensure that fishermen have a chance to weigh in on when the catch should be made available. The dates for the season in the northern and southern regions of the state, which include the ports of Astoria, Gold Beach, and Brookings, have already been set.

For more information, or to access the online survey form, see this [25 January press release from Bill Monroe of the Oregonian](#).

21:03/06. RESTORE THE DELTA LAUNCHED PETITION TO COMPEL EPA ACTION ON DELTA WATER QUALITY: PCFFA’s allies at Restore the Delta have published an online petition calling for Environmental Protection Agency (EPA) review of California’s water quality standards in the Sacramento River Delta. The petition comes at a time of intense political debate over the Delta, with agricultural and political interests in Sacramento lining up behind the so-called “WaterFix,” a plan to bypass much of the crucial estuary so that fresh water from the Sierra Nevada will be funneled directly to the thirsty and lucrative megafarms of the San Joaquin Valley.

The Delta was once a key habitat in supporting both fall and winter Chinook salmon runs, historically acting as a nursery for the salmon fishery that used to be a linchpin of economic prosperity for fishing families in Central California but has now dwindled to near disappearance. Fall-run Chinook numbers routinely come in at some 2-3% of past decades, while the winter-run has nearly gone extinct.

The petition seeks to address this problem by compelling the EPA to review water quality in the Delta and ensure compliance with, among other laws, the Endangered Species Act, which protects numerous Delta fish species including winter-run Chinook and Delta Smelt. This review could provide an essential legal stepping stone to blocking the Tunnel project proposed in the “WaterFix” proposal That project remains controversial and has yet to pass an environmental review, but so far has garnered support from Governor Brown, Senator Feinstein, and numerous industrial irrigation advocates from the San Joaquin Valley.
For more information, or to sign Restore the Delta's petition, visit their website here.

21:03/07. CALIFORNIA RESERVOIRS STILL LOW DESPITE EL NIÑO RAINS: Though government officials and environmental advocates alike have been praising the recent rains and attendant snowfall as a much needed boon for the thirsty state, a Capital Press report noted this past week that California’s Federally operated reservoirs which water the farms of the San Joaquin Valley remain less than half full.

Likewise, Shasta Lake, the state’s largest reservoir, is just 68% full, while several reservoirs in the warmer southern portion of the state are at less than one quarter their historical average for this time of year.

State officials from the Department of Water Resources stated that, even after an already heavy wet season, they were intending to allocate just ten per cent of requested amounts to farmers in the coming year -- half the allotment granted in 2015.

The picture of this year’s much needed rainy season is therefore clear: while the received and anticipated rains undoubtedly ease the pressure on the people of California, our drought troubles are far from over. Or, as US Bureau of Reclamation spokesman Shane Hunt said, “It’s been raining and snowing,” but “it’s going to take a lot more.”

For more information, see this 23 January report from the Capital Press.

21:03/08. REPORTS DETAIL WESTLANDS’ MASSIVE LOBBYING EFFORT TO GET ITS HANDS ON MEAGER WATER SUPPLIES: The Sacramento Bee reported last week on efforts by Westlands Water District to put a more sympathetic face on their efforts to grab what is left of California’s contested fresh water supplies. The report details the efforts of a campaign called ‘El Agua Es Asunto de Todos’ (Water is Everyone’s Business), an initiative aimed at positioning Westlands’ efforts as a fight for the interests of the San Joaquin’s pivotal but largely voiceless Latino community.

Westlands represents one of the most lucrative constituencies of large farmers in the state, and controls powerful lobbies in both Sacramento and Washington. Since the drought began, the district has added more than 18,000 acres of water intensive nut trees while much of the state has been introducing water saving measures.

The efforts of Westlands’ new lobbying group to spin water grabs as beneficial to poverty-stricken Latino laborers has already incurred a price tag of more than $1 million over the last several months. The report notes that the laborers targeted by the campaign are not allowed to use Westlands’ freshwater supplies for bathing, drinking, or cooking.

For more information on how industrial irrigators are deploying their lobbying machine, see the 21 January Column by Amanda Ford and Janaki Jagganath in the Sacramento Bee.

21:03/09. COALITION OF FISHING ASSOCIATIONS FILE AMICUS BRIEF CHALLENGING SHARKFIN BAN: An association of seven mostly east coast commercial fishing associations filed an Amicus (“Friend of the Court”) brief this week in the U.S. Supreme Court in support of a federal court case seeking the overturning of California’s statutory ban on harvesting shark fins. The Amicus brief takes the position that the ban abrogates the federal Magnuson-Stevens Act by outlawing the sale of fins of otherwise legally caught sharks under
state law. The legal exercise of commercial fishing rights is protected by federal law, and the thrust of the suit is that the California ban threatens that right.

The suit further alleges that the ban imposes a violation of the U.S.’s obligations under international law and common commercial practice.

The California State ban, which was passed in 2011, was upheld by a federal appeals court last year. The latest petition challenging the ban seeks a reversal of that holding from the U.S. Supreme Court. The Amicus Brief was filed by the Sustainable Fisheries Association, Rhode Island Fisherman’s Alliance, Long Island Commercial Fishing Association, Garden State Seafood Association, North Carolina Fisheries Association, Virginia Seafood Council and America Scallop Association. PCFFA is not a member of this group, and has generally supported California’s shark finning ban as well as opposed commercial-scale shark finning practices as unsustainable as well as disruptive of top-predator ocean food chains.

For more information on the attempt to overturn California’s ban on shark fin harvesting, see this 28 January press release from Saving Seafood.

21:03/10. OFFSHORE DRILLING TO BE AN ISSUE IN SC PRIMARY: Presidential candidates will face questions relating to an upcoming decision by the Bureau of Ocean and Energy Management regarding new leases for oil exploration of the South Carolina coast. South Carolina hosts one of the earliest primary contests in the nation, and conservationists hope to make drilling a decisive issue in the run up to this year’s election.

Oil exploration has long been seen as adverse to the interests of fishermen, but since the lackluster response by oil company BP to its massive Deepwater Horizon spill in the Gulf of Mexico, fishermen are more reluctant than ever to passively stand by and allow new wells to be drilled in imperiled marine ecosystems.

Few candidates on either side of the aisle have come out strongly against drilling, but advocates for a ban say that South Carolinians are surprisingly conservation-minded for such a red state, with a heavy proportion of the state’s economy dependent on beach tourism.

For more information, see this 21 January article by McClatchy’s Vera Bergengruen.

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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