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21:08/01. CRAB UPDATE: CA DISTRICT TEN OPENS TO COMMERCIAL CRABBING: The California Department of Fish & Wildlife (CDFW) ended this week its prohibition on commercial Dungeness crabbing south of the Sonoma/Mendocino County border. Crabbing is set to resume south of the county line at 12:01 AM on Saturday 26 March, with a pre-soak period beginning at 6:01 AM on 25 March. Commercial Rock crabbing remains closed south of the Point Piedras Blancas, and Dungeness crabbing remains closed North of the county line.

The announcement comes after crab samples collected near Bodega Bay, at the last lingering test site in the District 10 management area, were determined to be safe by the Office of Environmental Health Hazard Assessment (OEHHA) and the California Department of Public Health (CDPH). Earlier advice from the Dungeness Crab Task Force and PCFFA informed CDFW’s management decision to keep District 10 closed until it was safe for both crabbers and consumers to engage in the fishery. The opening comes as a relief to many in the fishing industry, but questions remain about when, if ever, the northern management districts will open to crabbing. Efforts to obtain disaster relief from the federal government remain in play.

For more information, see this 18 March press release from CDFW, and this 18 March Santa Rosa Press-Democrat article.
21:08/02. “A LITTLE ENRON ACCOUNTING” SPELLS TROUBLE FOR DELTA TUNNELS: The Delta Tunnels’ biggest booster caught heat from the federal Securities Exchange Commission (SEC) this month for cooking its books to artificially improve its credit rating. In a move designed to entice investors to purchase bonds to fund a share of the “Cal Water Fix” tunneling project, the Westlands Water District embellished its ability to cover its debts. Westlands is the sole guarantor for $29.8 million of bonds issued by the San Luis & Delta Mendota Water Authority, and has itself issued $193.6 million in municipal bonds that must eventually be repaid to investors.

Westlands General Manager Tom Birmingham described the exaggerated credit standing during a 2010 board meeting as the result of “a little Enron accounting,” a reference to the 2001 scandal that left the people of California holding the bag for private energy speculators. The analogy is appropriate, given that the majority of benefits the Tunnel Project is supposed to provide will concentrate in the hands of only a few industrial agribusinesses at the expense of the salmon industry and the San Francisco Bay Delta Estuary’s human and ecological communities.

The SEC levied a $125,000.00 fine on Westlands and $50,000.00 personally on Birmingham to settle administrative enforcement of the conduct, representing the highest SEC fines ever imposed on municipal bond issuers. What’s more, bond rating agencies have imposed negative ratings on all of Westlands’ outstanding bonds, which could lead to increased borrowing costs for the District, and increased skepticism on the value and security of the bond. Westlands intended to fund at least a portion of its required 40% contribution to the $16 billion Tunnel price tag with capital raised through bond sales. The fines and deceptive accounting practices call into question Westlands’ ability to cover that obligation, and will force other water agencies to reconsider whether they want to financially involve themselves with an agency with a questionable ethical record.

For more information, see this 10 March L.A. Times article, and this 14 March L.A. Times Op/Ed on the scandal.

21:08/03. FERC REJECTS PERMIT REQUEST FOR JORDAN COVE NATURAL GAS FACILITY: In an unexpected turn of events, the Federal Energy Regulatory Commission (FERC) declined to issue permits for the controversial Jordan Cove liquid natural gas (LNG) export terminal and the Pacific Gas Connector pipeline that would have supplied the facility. The proposal would have built a 230-mile pipeline from near Klamath Falls to Jordan Cove, an area subject to seismic activity and on a route that would have crossed a number of salmon-supporting waterways. The export terminal would have been located squarely within a tsunami zone. PCFFA and IFR intervened in the FERC proceedings, and opposed the proposal because of the many negatives impacts on ESA-listed salmon associated with the project, as well as because of safety hazards for the Port of Coos Bay, where many fishing boats have moorage there or nearby.
For more information, see this [11 March Jefferson Public Radio article](#). Picture: coho salmon, one of the endangered species potentially impacted by the Jordan Cove LNG Terminal, by National Marine Fisheries Service, public domain.

21:08/04. FISHERIES, ENVIRONMENTAL GROUPS INTERVENE IN CLEAN WATER LAWSUIT OVER LOGGING RULES: The Pacific Coast Federation of Fishermen’s Associations (PCFFA), the Institute for Fisheries Resources (IFR), and the Environmental Protection Information Center (EPIC) have sued to intervene in existing litigation to protect the water quality of the salmon-supporting Elk River, located just south of Eureka, California. The interveners seek to protect a ruling from the Regional Water Quality Control Board (Regional Board) that prohibits discharges of sediment into Elk Creek from certain logging and road-building operations of the Humboldt Redwood Company (HRC). HRC is suing the Regional Board to overturn that decision. Increased sediment loading from logging operations near or in streams can reduce the stream’s capacity to carry water, leading to destruction of salmon habitat and increased flooding.

For more information, see this [15 March press release from the Environmental Protection Information Center](#).

21:08/05. CONGRESS REACTS TO RESTRICTED WEST COAST SALMON SEASON OPTIONS: The Pacific Fishery Management Council released this month three salmon fishing season options for the U.S. West Coast, and they do not look good. California options are set to deal with a sharply declined overall Chinook ocean abundance projection, and concerns for endangered Klamath and Sacramento River runs of the fish. Washington fishing may be shut down entirely due to concerns about impacts on endangered coho salmon. Oregon may see a closure north of Cape Falcon for the same coho concerns, but will see some restricted fishing south of that management point.

In response to the season options, Northern California Congressional representatives voiced their concerns about the restricted season. "California's salmon fishermen will unfortunately face further devastating losses and significant economic hardship this year, worsened by the constant push to divert more water from the Bay-Delta estuary," said Rep. Jared Huffman, referring to efforts to relax water and fish protections under the guise of federal drought relief legislation. "Yesterday's announcement confirms that this is not the time for Congress to weaken protections for salmon and their ecosystems. Unless we begin enacting both short and long-term solutions to our drought challenges, salmon fishermen will continue to pay the price."

Representative Mike Thompson emphasized the impacts on the fishing industry, stating that "the regulations released by the Pacific Fisheries Management Council for the upcoming salmon fishing season confirm that five years of drought have been devastating for the health of the Delta and the critical species that depend on the estuary for their survival. We're now faced with three options for a limited fishing season, each one more devastating than the last for a $1.4 billion industry that supports 23,000 jobs. This verdict will make painfully clear the importance of sound water management that doesn't prioritize south of delta interests over an industry on the brink of collapse."

The Pacific Fishery Management Council will review the options with stakeholder input at its 9-14 April meeting in Vancouver, Washington.
For more information, see this 14 March Oregon Public Broadcasting article on the Oregon and Washington options, this 16 March Eureka Times-Standard article on the California options, and check out the proposed options at the PFMC website.

21:08/06. BILL TO PROHIBIT GMO LABELING FAILS IN SENATE: Senator Pat Roberts’ proposal to prohibit states from passing mandatory Genetically Modified Organism (GMO) labeling requirements for food failed to pass the Senate last week. The bill would have staved off a new law in Vermont requiring GMO labeling. The bill received support from the Grocery Manufacturers Association and major food and biotech companies, who oppose labeling in general as well as patchwork labeling requirements that may arise if states develop their own labeling requirements. Opposition, lead by Senator Bernie Sanders, characterized the bill as the “Deny Americans the Right to Know,” or “D.A.R.K. Act.” The bill would not have upended federal legislation requiring labeling of the AquaBounty AquAdvantage salmon, the first genetically engineered animal approved for human consumption. That requirement, included in the federal appropriations bill in December, prohibits sale of the GMO fish until the FDA finalizes labeling guidelines.

For more information, see this 17 March Environmental Working Group article on the D.A.R.K. Act, and this 17 December 2015 Washington Post article on GE salmon labeling.

21:08/07. FARME SALMON MAY PROVIDE LESS NUTRITIONAL VALUE THAN WILD-CAUGHT SALMON: Farmed salmon may not provide enough of one of the species’ primary nutritional values, omega-3 fatty acids, according to a recent study by the Johns Hopkins Bloomberg School of Public Health. The analysis showed that due to a change in feed from fish meal and oil to plant-based feed, levels of the fats are likely being altered.

The study by Jillian Fry, Director of the Johns Hopkins Center for a Livable Future’s Public Health and Sustainable Aquaculture Project, didn’t determine the exact amount of change but scientists believe it “could be significant.” There is great concern among fish and aquaculture experts about the health of farmed fish raised in cramped conditions on unnatural diets. Fish get their fatty acids by eating algae in natural bodies of water. When bigger fish eat smaller fish they acquire even more omega-3s. That food chain is interrupted when all fish in a tank are given soybeans, corn or wheat-based food, and especially when those fish feeds are genetically modified.

For more information, see this 18 March Bellingham Herald article.

21:08/08. GROUPS SUE OVER NMFS GULF OF MEXICO AQUACULTURE RULES: Fishing, environmental and consumer advocacy groups joined forces last month to sue the National Marine Fisheries Service’s (NMFS) offshore finfish aquaculture in the Gulf of Mexico, the first rule of its kind in the U.S. The challengers include the Gulf Fishermen’s Association and the Gulf of Mexico Reef Fish Shareholder’s Alliance, which represent commercial fishermen in the region. NMFS’s final rule allows permit holders to harvest up to 64 million pounds of farmed fish from the Gulf annually. Opponents argue that finfish aquaculture is so inherently different from harvesting wild fish that NMFS has no authority to issue permits for the practice.
Other concerns with open ocean aquaculture include the transmission of disease from farmed populations to wild fish, concentration of pollutants around net pens, and the possibility of genetically homogeneous farmed fish escaping and infiltrating wild populations.

For more information, see this 2 March Lexology article. The legal complaint is available from the Center for Food Safety’s website. Net pen photo by NMFS, public domain.

21:08/09. ALASKA SALMON RUNS THREATENED BY CANADIAN MINES, BUT ALASKA FISHERMEN LACK RECURSE: Southeast Alaska's famed wild salmon are being seriously threatened by British Columbia's mining interests on the Alaska-B.C. border. This area is among the largest salmon producers in the world, grossing about $2 billion annually. There are also at least ten gold and copper active mining projects in the area.

The Stikine, Unuk and Taku rivers, straddling the Canadian border, are endangered by billions of tons of mine tailings stored behind massive dams. Despite the potential mining hazards, Alaskans have no say in their approval. Thousands of individual Alaska residents have been clamoring for the State Department to refer this issue to the International Joint Commission, an American and Canadian advisory body, to ensure that neither country pollutes the waters of the other.

Alaskans have every reason to be concerned: For decades, Tulsequah Chief mine, built in the 1950s, has polluted the Tulsequah, a major Alaskan river. Numerous remediation and pollution abatement orders from the British Columbia government, have had no effect. Numerous violations were found during inspections last year, including continued acid mine drainage flowing into the Tulsequah. Chieftain Metals, the mine’s owner, has said it cannot stop the pollution unless it starts up production to gain needed revenue. British Columbia granted the company the permits. And so the game continues.

For more information, see this 23 January New York Times Op/Ed. Stikine River photo by U.S. Forest Service, public domain.

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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