Salmon belong to us all and must not be bargained away in a water deal.

-- San Francisco Chronicle Editorial Board

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21:10/01. FISHERIES, CONSUMER AND ENVIRONMENTAL GROUPS SUE FDA OVER FRANKENFISH APPROVAL: A coalition of advocacy groups has sued the U.S. Food & Drug Association (FDA) over its approval of the AquaBounty AquAdvantage, the first genetically engineered (GE) meat product approved for human consumption. The groups allege in their complaint that the FDA failed to do basic environmental analysis on the potential impacts of the GE salmon-style fish, particularly in the event that it escapes its confines and infiltrates wild spawning salmon populations. The AquAdvantage salmon is a mash-up of Chinook salmon, Atlantic salmon, and ocean pout genes, and can grow to market size in half the time it takes a naturally-spawned salmon to reach that benchmark. PCFFA and IFR are members of the plaintiffs group, which also includes Earthjustice, the Center for Food Safety, the Golden Gate Salmon Association, and others. The case is Institute for Fisheries Resources et al v. Sylvia Mathews Burwell et al, U.S. District Court, Northern District of California, No. 16-cv-01574.

For more information, see this 31 March Reuters article.

21:10/02. KEY FUNDER SEEKS VOTER APPROVAL FOR DELTA TUNNEL TAX: Loud and louder protests are casting serious doubts on California Governor Jerry Brown’s Cal Water Fix (formerly Bay Delta Conservation Plan), a $17 billion plan to build two tunnels under the San Francisco Bay-Delta Estuary. Water quality and quantity impacts, and cost, are the
biggest concerns. This month, a new voice jumped into the fray. The Howard Jarvis Taxpayers Association (the Association) suggested possible legal action over increased property taxes imposed by local water agencies to fund those agencies’ shares of the tunnels.

The Association is challenging tunnel funder the Santa Clara Valley Water District (SCVWD)’s staff, which has asserted that SCVWD can raise property taxes on Santa Clara County homeowners – without a public vote – to help pay for the tunnels. Nancy Vogel, a spokeswoman for the California Natural Resources Agency, said Friday that a 1983 court case “provides authority to raise property taxes without a vote. If local water agencies decide they want to help pay for the tunnel project and receive its water, they are free to raise the money any way they want, from property tax hikes to water rate hikes.”

However, a majority of Water District board members now say they want to put the issue to a public vote. Barbara Keegan, chairwoman of the Water District board, said, “If there’s a possibility that property taxes could be going up without any sort of cap on them, that's unacceptable to me. And I would certainly think it would be appropriate for the public to weigh in on that.”

The Association contends that any property tax hike without voter approval would be illegal, and notified SCVWD of as much in letters sent to water agencies in Silicon Valley and Alameda County. Timothy Bittle, the association's attorney, asserted that “if water agencies can raise property taxes to pay for the tunnels without voter approval, homeowners could be on the hook for big tax increases if there are cost overruns, as there were with high-speed rail and the rebuilding of the Bay Bridge.” The threat of a lawsuit adds yet another wrinkle to the already troubled tunnel project, which could result in grave consequences for Sacramento River chinook salmon.

For further information, see this [27 March Monterey Herald article](#).

**21:10/03. CALIFORNIA CRAB FLEET, DIGNITARIES, PUBLIC CELEBRATE RETURN OF DUNGENESS FISHERY:** A large group convened on San Francisco’s Fishermen’s Wharf on Friday, 1 April, to celebrate the opening of California’s Dungeness crab fishery south of the Sonoma/Mendocino County line. Dungeness fishing remains closed above that line pending clean domoic acid testing. Around 80 people, including San Francisco Mayor Ed Lee, Congressman Jared Huffman, and State Senators Mike McGuire and Mark Leno, gathered behind the Fishermen’s and Seamen’s Memorial Chapel near Pier 45 to commemorate the hard times experienced by many fishing families during the indefinite closure, as well as to celebrate the return of crabs to California’s dinner tables.
Congressman Huffman reminded the crown that the fishing season was a certifiable disaster, despite the injection of hope the partial opener brought to the fishing industry. Huffman declared his intent to continue fighting for his fishery disaster relief bill, which he co-authored with Congresswoman Jackie Speier. At the event, the public was exhorted to get out and purchase safe, sustainable, local California crab, and the media was on-hand to deliver the message. Revelers consumed about 200 pounds of the delicious crustacean, which paired impeccably with donated Boudin sourdough bread and Anchor Steam beer. The mood was tempered with the knowledge that many California crabbers on the North Coast remain tied up at home, waiting for the California Department of Public Health to certify their local crabs clean.

For more information, see this 1 April San Francisco Chronicle article, or this 1 April KRON-4 story.

21:10/04. WESTERN WASHINGTON TRIBES THREATENED BY “DISASTROUS” COHO RUNS: Dwindling coho salmon runs are threatening western Washington Tribes. This year's forecasts pose what could be an insurmountable threat to the culture and way of life for the Stillaguamish Tribe, bound by treaty to fish only in their home river. The Nisqually Tribe canceled its coho fishery last year when fewer than 4,000 of the 23,000 fish expected actually returned, as did the Squaxin Island and Puyallup tribes. Low returns are prompting the Quinault Indian Nation to close all its fisheries in Grays Harbor and Queets River and to declare an economic disaster. “It's so serious that there likely will be no coho fisheries in 2016, as returns are expected to plummet even further than those of last year because of poor ocean survival,” wrote Lorraine Loomis, chair of the Northwest Indian Fisheries Commission (NWIFC).

Hatchery coho cannot make up for the loss of wild Coho, as both are equally at risk. Since all coho share the same diets, the ocean conditions negatively affecting wild coho survival are having the same impact on hatchery coho survival. Warmer water in the ocean leads to less availability of nutrient-rich cool water for all coho, which means a return consisting of fewer, smaller and less healthy fish—both wild and hatchery. “Expectations for wild coho runs in the Washington Coast and Puget Sound areas can only be described as disastrous!” declared Donald McIsaac, director of the Pacific Fishery Management Council (PFMC).

“We have never seen runs this low, so we don’t know how well they might bounce back,” Loomis said. “Zero must be the starting place for fisheries management planning this year.”

For more information, see this 28 March Indian Country Today Media Network article.

21:10/05. CENTRAL VALLEY WATER ALLOCATIONS ANNOUNCED: The U.S. Bureau of Reclamation (Bureau), which operates the massive Central Valley Project (CVP) irrigation system in California which delivers Sacramento River water to the San Joaquin Valley and beyond, issued last week its annual water allocations to water contractors. The allocations suggest the relative health of the water supply in California. Some southern Bay Area cities that purchase water from the CVP will receive up to 55% of their contracted water amounts – the amounts available for purchase during normal water years – which constitutes an up to 25% improvement from last year. Meanwhile, allocations to farmers in the San Joaquin Valley will
range from 5% to 100% of their contracted amount, depending on the seniority of their water rights. That number is up from 0% last year. Heavy rain and snowfall in Northern California this year allowed for a loosening of restrictions on water deliveries.

For more information, see this 2 April San Jose Mercury News article.

21:10/06. **NEW MAPS ILLUMINATE CENTRAL COAST SEAFLOOR:** Six new sets of maps produced by the U.S. Geological Survey (USGS) in partnership with the California Ocean Protection Council (OPC) reveal the diverse and complex range of seafloor habitats along 80 miles of the central California coast from the Monterey Peninsula north to Pigeon Point. The publicly available, high resolution datasets and maps, can be used to understand and manage California’s vast and valuable marine resources. The maps stunning resolution reveals offshore bathymetry, habitats, geology and seafloor environments: the rugged granitic bedrock along the Monterey Peninsula; the bedrock reefs on the Santa Cruz County coast; the smooth sand and mud in a large delta bar at the mouth of the Salinas River; and the steep walls and sinuous channels of one of the largest underwater canyon systems in the world.

These maps will be an additional tool to protect Californians, as well as fish and wildlife. They will be used to analyze offshore faults and earthquake hazards: help identify sources of replenishing beach sand; and help establish, over time, a scientific baseline to track changes in near shore habitat.

For more information, see this 29 March USGS press release, which includes links to the maps.

21:10/07. **WASHINGTON RIVER GOES WILD AFTER DAM REMOVED:** One hundred years after the Olympic Peninsula’s beautiful Elwha River was contained by two huge concrete dams, it was let loose to run wild again, allowing salmon to return and spawn in its headwaters. Perhaps the largest dam removal in the world, it took over three decades to be approved and funded. The dam had been deemed ineffective and too expensive to maintain, and efforts for removal started in the 1980’s and continued until the Obama Administration released funds to help pay the $325 million bill and demolition began five years ago. An unexpected addition of a new beach, where the Elwha meets the Strait of Juan De Fuca, was created was by about 21 million cubic feet of sediment trapped behind the two dams.

For more information, see this 27 March Los Angeles Times article. Glines Canyon (Elwha River) dam removal photo by National Park Service, public domain.
EDITORIAL: POLITICS OVER SCIENCE CONTINUE TO THREATEN CALIFORNIA SALMON: Senator Dianne Feinstein and Republican members of the House of Representatives, were criticized in a 27 March San Francisco Chronicle editorial for a request to President Obama to allow for more water to be pumped out of the San Francisco Bay-Delta Estuary to San Joaquin Valley farmers. Scientific indicators say federal water managers should reduce pumping to protect endangered species, such as Sacramento River winter run Chinook salmon. Pumping restrictions could also benefit commercially valuable Sacramento River fall run Chinook.

Although the California water politics of the moment revolve around the Delta smelt, water diversions also threaten with the extinction of Sacramento and San Joaquin River salmon. "Feinstein justifies increased Delta exports as necessary for farmers struggling with drought. And she is rightly calling for more holistic ecosystem management. Yet she contradicts that when she says pumping is separate from water management activities in the Upper Sacramento River that have killed fish the past two years. Maybe separate as policies, but not to the fish," according to the editorial.

The Decisions of one year affect the three-year life-cycle of salmon. "With the Pacific coast salmon fishery at stake, water managers can't get it wrong again," wrote the authors. "More mistakes will destroy the fishery and with it the salmon fishing industry. Salmon bakes will be a memory, not an event. Pump the delta to the max while storing more water upstream, as happened in 2014 and 2015, and the fish are harmed by the reversed flows and toxic algae. Then despair when weakened salmon fail to survive their arduous migration to the sea and back this year or next."

"Salmon belong to us all and must not be bargained away in a water deal."

For more information, read the 26 March San Francisco Chronicle editorial.

FEDERAL COURT UPHOLDS OREGON’S RIGHT TO PROTECT WATER QUALITY AND FISH HABITAT FROM IN-RIVER MINING IMPACTS: The District Court for the state of Oregon held on 27 March that the state of Oregon has the right to regulate both state and federal land to protect water quality and fish habitat, and that it has done so in a manner that does not conflict with federal law.

Last October, gold miners brought a lawsuit against the State of Oregon alleging that federal laws denied Oregon the right to protect environmental resources within the state. Environmental groups and commercial fishing interests — including Rogue Riverkeeper, the Pacific Coast Federation of Fishermen’s Associations, Oregon Coast Alliance, Cascadia Wildlands, Native Fish Society and the Center for Biological Diversity — intervened on behalf of the state to help defend the restrictions on mining.
“This decision supports a growing effort in Western states to protect clean water and fisheries from mining pollution and wildlife habitat damage,” said Roger Flynn, one of the attorneys representing the conservation and fishing interveners. In 2013, Oregon passed Senate Bill 838 to implement temporary restrictions on equipment such as suction dredges and other motorized mining equipment in and near habitat essential for salmon — to protect both the salmon and water quality. The law went into effect this January and remains in effect through 2021.

The 2013 law resulted from increasing concern about the cumulative effects of these gold-mining techniques on streams and rivers. Peer-reviewed science shows that suction dredging can mobilize toxic mercury into rivers and streams, as well as reduce salmon spawning success due to alterations in habitat. The number of dredges in the Umpqua and Rogue rivers created conflicts with anglers and other recreationists. “This decision will help keep Oregon’s iconic wild salmon healthy for future generations,” declared Jake Crawford with Native Fish Society. “It bolsters similar protections in California and Idaho, while giving Washington a path forward for protecting wild salmon and water quality from suction dredge mining.”

For further information, see this 27 March Sierra Sun Times article.

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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