"I don't believe in magic. I believe in the sun and the stars, the water, the tides, the floods, the owls, the hawks flying, the river running, the wind talking. They're measurements. They tell us how healthy things are. How healthy we are. Because we and they are the same. That's what I believe in."

-- Billy Frank Jr.

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21:14/01: PACIFIC FISHERY MANAGEMENT COUNCIL NOTES SALMON PROBLEMS IN DROUGHT RELIEF BILL; SENATE HEARING ON TUESDAY: Citing a request from U.S. Representatives Jared Huffman and Mike Thompson, the Pacific Fishery Management Council issued an analysis letter 11 May of Senator Dianne Feinstein’s latest drought “relief” bill, S. 2533. The PFMC identified several provisions in the bill that would negatively impact California’s salmon runs’ ability to spawn and navigate inland rivers.

PFMC’s concerns included items in S. 2533 that require water managers to “maximize” water exports from the San Francisco Bay-Delta Estuary; provisions that undermine portions of the National Marine Fisheries Services’ 2009 Biological Opinion that protects listed salmon, steelhead, sturgeon and killer whales from operation of the Central Valley Project; and provisions that focus attention on striped bass as the cause for Central Valley salmon declines, rather than addressing competition for limited water supplies.

The letter comes at an important moment, as S. 2533 will be heard in the Senate Energy and Natural Resources Committee’s Water and Power Subcommittee on Tuesday, 17 May.
Representatives from the Metropolitan Water District of Los Angeles and Senator Feinstein herself are expected to testify in support of the bill; an opposition witness has yet to be named.

**To get involved,** you can forward the PFMC letter as well as the salmon industry’s opposition letter, to your Congressional delegates before the 17 May hearing.

For more information, see PCFFA’s letter opposing S. 2533, and Golden Gate Salmon Associations critical analysis of S. 2533, both of which are referenced in the PFMC letter. Information on the Subcommittee hearing is available here. Find your Congressional delegates and their contact information at contactingthecongress.org by simply entering your zip code in the bottom left corner.

**21:14/02. CRABBING RESUMES ON CALIFORNIA’S NORTH COAST:** After an almost six month wait, commercial crabbers in Northern California finally started pulling gear on 12 May as levels of naturally occurring domoic acid finally dissipated and the California Department of Public Health deemed the tasty crustaceans safe for human consumption. Commercial crabbing had already resumed south of the Sonoma/Mendocino County border back in March, and above the Oregon border in December. Patient North Coast crabbers waited out the closure, hoping for ample abundance and high quality crabs. They were allowed to set gear on Monday per the California Department of Fish & Wildlife’s order opening the fishery. An area around the Port of Trinidad remains closed, although crabbers are allowed to offload crab in that harbor. Only time will tell if North Coast crabbers make inroads in these waning months of the season on the financial disaster caused by the fishery shutdown.

For more information, see this [2 May Eureka Times-Standard article](#). Crabbing photo by Ben Platt, south of District 10 line.

**21:14/03: CALIFORNIA ALMOND ACREAGE INCREASED 6% DURING 2015 DROUGHT YEAR:** One might question whether there really is a serious drought in California when thirsty almond farms, many of which are owned by Beverly Hills billionaire Stewart Resnick, increased from 1,050,000 acres in 2014 to an estimated 1,110,000 acres in 2015, a 6% increase according to a recent California Department of Food & Agriculture report. Total almond acreage increased by 28% since the beginning of the drought. Nut trees are particularly water-intensive, and the majority of California’s almonds are exported for consumption.

Opponents of the burgeoning nut farms criticize state and federal government water management, especially when Californians were required to reduce water usage by 25% in 2015-16. Invaluable public trust fish resources, including the Sacramento River Fall- and endangered Winter-run Chinook salmon, Central Valley Steelhead, and Delta and longfin smelt, are losing out to policies and politicians that favor San Joaquin Valley industrial agriculture over the rest of the state’s water users.

Under the brand name “Wonderful,” Resnick’s new almonds require 180,000 acre-feet of water per year. One acre-foot is the amount of water needed to cover one acre in one foot of water. The increased acreage will be “a constant burden on groundwater basins and our political system for every one of the next 25 years,” said [OnthePublicRecord.org](#) blog. As the
largest grower of tree fruit in the world, Resnick disclosed his efforts “to expand pistachio, almond and walnut acreage during the drought,” at the March 2015 Pistachio Conference.

For more information, see this [undated Oakland Magazine article](#). The [2015 California Almond Acreage Report](#), published on 27 April 2016, is available from the USDA.

**21:14/04. CALIFORNIA GOVERNOR APPOINTS FISH & GAME COMMISSIONERS:**
California Governor Jerry Brown this week made two appointments to fill vacant seats on the State’s Fish & Game Commission, a regulatory body that has jurisdiction over recreational fishing and hunting, as well as some commercial fishing activities, including resolution of some Fish & Game Code violations. Appointee Peter Silva of Chula Vista is a water policy expert, having served with the U.S. Environmental Protection Agency, the State Water Resources Control Board, and as an advisor to Metropolitan Water District of Los Angeles, but he is not a hunter or angler. Appointee Russell Burns of Napa is a union official and hunting lobbyist, and a lifelong hunter and angler. The Commission also announced this week that Val Termini, former fisheries advisor to the California Ocean Protection Council, had been selected as the incoming Commission Executive Director. She replaces Sonke Mastrup. She is taking a hunter’s safety course to prepare for her new role, and hopes to teach her daughter to hunt.

For more information, see this [11 May Sacramento Bee article](#).

**21:14/05. WASHINGTON SUBMITS FISHING PLAN IN HOPES OF OPENING PUGET SOUND SALMON SEASON:** Sport and commercial salmon fishing in Puget Sound remain closed while Tribal fishery managers review Washington Fish & Wildlife’s (WDFW) most recent proposal, submitted on 12 May, to allocate salmon resources among groups vying for pieces of this year’s low projections of Chinook and coho returns. The fishery has been closed since 1 May. For this first time in 30 years, Tribal, commercial and recreational fishing interests failed to arrive at a joint proposal for how to divide salmon returns in Puget Sound. Without such a proposal, the National Marine Fisheries Service (NMFS) was unable to issue a permit to open the season. The permit is required so that NMFS can regulate and mitigate impacts of salmon fishing on salmonids listed under the Endangered Species Act. Much of the failure to arrive at the joint proposal was due to the poor abundance projections for target stocks, which were likely a function of poor ocean conditions caused by *El Niño* and the warm water Blob. Observers are hopeful that the various fishing groups’ shared concerns for salmon conservation and restoration will facilitate a resolution of the stalemate within the next several days.

For more information, see this [11 May Seattle Times article](#) on the WDFW’s new plan, and this [12 May Daily Journal of Commerce article](#) which explains the reasons for the stalemate. WDFW is posting updates on closed areas on its Puget Sound Fishing Area Update webpage.

**21:14/06. CALIFORNIA DROPS DROUGHT-FUELED WATER CONSERVATION MANDATES, MAKES SOME OTHER RESTRICTIONS PERMANENT:** In response to mounting pressure from water agencies, California Governor Jerry Brown issued an Executive Order this week ending mandatory conservation targets, under which Californians last year had reduced water consumption by almost 25%. The mandatory targets, which were unprecedented in California and imposed to respond to persistent drought conditions, required local water agencies to reduce consumption by as much as 36%, depending on the level of past consumption. Under the new rules, water agencies will set their own conservation targets, which will be approved by the State Water Resources Control Board (State Board) after opportunities for public comment. Officials suggested that the relaxation was in response to improved water conditions after this year’s *El Niño* winter.
The new rules make permanent some restrictions on water use, such as requiring shut-off nozzles on hoses used to wash cars, prohibiting the watering of lawns within 48 hours of a rain storm, hosing off sidewalks, and others. The State Water Resources Control Board is expected to approve the new rules at its meeting on 18 May.

For more information, see this 9 May San Jose Mercury News article, which features copies of the Executive Order as well as a fact sheet on the new rules from the State Board.

21:14/07. CANADIAN FISHERIES MINISTRY AGREEABLE TO OUTSIDE AUDIT ON AQUACULTURE POLICIES: In response to the 2012 Cohen Commission Report, an inquest into the causes of the 2009 collapse of Fraser River Sockeye salmon, Canadian Fisheries Minister Hunter Tootoo said this week that he would welcome an outside auditor to examine the Ministry’s efforts to mitigate impacts of open ocean salmon farming on wild fish stocks. The Cohen report concluded that there was not a main culprit responsible for the 2009 collapse, but it did make 75 recommendations to the Canadian government that focused attention on the aquaculture industry’s possible role in wild fish declines. These included suspending aquaculture development in the Discovery Islands, and improving research efforts on the industry’s environmental impacts. An auditor would presumably assess whether those recommendations were implemented, and whether they were effective.

Despite known environmental impacts such as the spread of pathogens and sea lice from farmed salmon to wild, and the “Trojan gene” effect that occurs when farmed salmon escape and infiltrate localized wild salmon genomes, the Canadian government remains supportive of expanding its aquaculture industry. The industry is seeking a 29% expansion within Canada, and the government recently began issuing 6-year licenses to operate salmon farms everywhere except the Discovery Islands.

For more information, see this 9 May Vancouver Sun article. Net pen salmon farm photo by National Marine Fisheries Service, public domain.

21:14/08. CALIFORNIA LEGISLATORS WANT DELTA TUNNEL AUDIT: On the heels of the U.S. Department of the Interior’s announcement that it would be investigating the U.S. Bureau of Reclamation’s financial support for the Delta Tunnels, State Senator Lois Wolk and Assemblymember Susan Talamantes Eggman announced this week that they would request an audit of the Delta Tunnels project, now know as the “California Water Fix.” The audit would investigate the financial feasibility of the Tunnel project, a proposal to construct two massive tunnels that would suck water from the Sacramento River near the City of Sacramento and transport it underneath the San Francisco Bay-Delta Estuary to the State and federal pumps near Stockton that move water into the San Joaquin Valley.

The Tunnels’ price tag is estimated at $15 billion, and hundred of millions have already been spent before the proposal has even been approved. State law requires that prospective Tunnel beneficiaries, such as Westlands Water District, pay for the environmental review, planning, design and construction of the Tunnels. To date, there is no financing plan in place for the Tunnels, the State and federal governments have been funding the project, and Westlands
General Manager Tom Birmingham famously caught heat earlier this year for “a little Enron accounting” that falsely improved Westlands’ financial standing with investors.

For more information, see this [9 May press release from Senator Wolk and Assemblymember Eggman](#), posted by [Maven’s Notebook](#). We previously addressed the federal investigation in [Sublegals 21:11/02](#), and the “Enron accounting” in [Sublegals 21:08/02](#).

21:14/09. **SEA STARS MAKING COMEBACK ON NORTH COAST:** North Coast beaches are seeing a resurgence of sea star juveniles after Sea Star Wasting Syndrome wreaked havoc on populations. The disease causes the stars to develop white lesions, lose limbs, and eventually disintegrate. Millions of sea stars were affected by the disease, caused by a waterborne virus, over the last two years. The incoming juveniles likely spawned in areas 100-200 miles away from where they currently reside, as the larvae can float around at sea for up to two months. The influx is hopefully a sign that ocean conditions are returning to normal, after two years of upheaval due to abnormal climatic conditions, as well as *El Niño* and the Blob. The young stars are abundantly colonizing several points along the coast, including Santa Cruz, Bodega Bay, Patrick’s Point, Pt. St. George, and in Oregon.

For more information, see this [12 May Del Norte Triplicate article](#).

21:14/10. **‘CODFATHER’ OF NEW BEDFORD INDICTED:** A Massachusetts fish wholesaler has been indicted this week on 27 criminal counts, including lying to fishery managers about landings, smuggling cash out of the country, and conspiracy. Carlos Rafael owns 30 fishing vessels, 44 fishing permits, and a seafood processing business out of New Bedford. Federal agents allege that Rafael had for years lied to the National Marine Fisheries Service (NMFS) about landings to get around fishing quota restrictions. He then sold the illegal landings to an unnamed buyer in New York, and laundered the proceeds in Portugal. Rafael is said to have falsified reports for over 815,000 pounds of fish since 2012. Prosecutors will be seeking forfeiture of his commercial fishing vessels and permits if he is found guilty of at least one of the counts against him.

For more information, see this [9 May Cape Cod Times article](#) on the investigation, and check out this [24 May 2013 exposé on the Codfather from Vice](#).

21:14/11. **PERSPECTIVE: STRIPERS, SMELT AND SALMON: CORRECTING THE DISTORTED TRUTHS OF DELTA FISHERIES:** Plenty of blame gets heaped around as to why western San Joaquin Valley irrigators can’t pump more Sacramento and San Joaquin River water out of the San Francisco Bay-Delta Estuary, and usually that blame falls on fish. Not the iconic, and in the case of some runs endangered, California King salmon, though.

The most politicized fish in the Delta Estuary happens to be the three-inch Delta Smelt, an endangered species that former Presidential candidate Ted Cruz thinks might be delicious with cheese and crackers. When pumping at the State and federal pumps was ordered reduced last month, Cruz was quick to heap blame on the Delta smelt, but in reality it was endangered salmon runs that caused the pumps to slow down. And while smelt do cause changes to State and Federal water project operations, and have indeed necessitated decreases in pumping to prevent their extinction, there is something fundamentally wrong with politicians who distort facts to serve political purposes. So went the truth, for the sake of the campaign.
The battle continues between San Joaquin Valley irrigators’ demand for water and the need for water protections for fish species, with or without Ted Cruz. The second most politicized fish in the Delta is the Striped Bass, who eminent Delta biologist Peter Moyle called a “scapefish” in a recent article. A non-native brought in from the East Coast around 1879, striped recreational fishing brings millions of dollars into the state. Stripers are predators and feed, in part, on baby salmon. Politicians supporting San Joaquin agribusiness interests often point to those “non-native predators” as the cause of salmon declines, and press for programs to eradicate them from the face of the Delta. The thinking is that fewer stripers means more salmon, which in turn results in fewer restrictions on pumping.

Not so fast, say those who study and manage Delta fisheries. Researchers say that striped bass have declined along with salmon, that removal of stripers would upset the estuarine ecosystem even more than it already is, and that stripers eat their own kind and other fish species just as often as they eat salmon. Stripers and salmon learned to coexist well before the Central Valley Project was ever constructed. The real issue, according to Moyle, is “what humans have done to the environment by over-allocation of water to competing interests.”

The fact is, the scientists tell us, that salmon declines are only one reason why we should consider protecting and conserving California’s aquatic resources. And while yes, stripers do eat some of the salmon before they reach the ocean, and yes, Delta smelt are sometimes responsible for restricting water deliveries, there’s very little that interested parties can do to resolve their differences if they’re not even being truthful with themselves. We need to better understand the ecosystem in which all players, including humans, exist. And, say the scientists, we need to let its needs, which subsume our own, guide our exploitation of that resource.

For more information, see this [6 May Los Angeles Times article](#) on the Delta Smelt debacle, and this [6 May Sacramento Bee article](#) on the Striped Bass saga. Delta Smelt photo by U.S. Fish & Wildlife Service, public domain. Striper photo by Tim Sloane.

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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