21:20/01. AFTER SEVEN-WEEK BREAK, CONGRESS TO CONSIDER FISHERIES ISSUES:
The U.S. Congress is set to resume its legislative session on 6 September after a seven-week recess. As the presidential election nears, lawmakers may be considering several issues that impact West Coast fishermen. Many of the more contentious issues could be addressed after the election in November, when several members of Congress and President Obama will be considered “lame duck” politicians.

Chief among West Coast fisheries issues is a California drought relief package, with proposals submitted by Senator Dianne Feinstein (D-CA), as well as Representative David Valadao (R-Hanford/Kings County). S. 2533 and H.R. 2898 both influence operation of the massive Central Valley Project irrigation system that moves waters from salmon rivers in Northern California to cities and agricultural operations in Southern California. Neither bill is supported by the salmon industry, for fear that they enable water managers to remove more water from salmon habitat at a time when salmon and the salmon fishery need even stronger protections. This fishery impacts of this bill will extend beyond California – Oregon and Washington both catch a significant number of Sacramento River fall run Chinook.

California crabbers remain hopeful that federal fishery disaster relief is on its way. The 2015-16 Rock and Dungeness crab fisheries revenue both dropped to about half of the five-year average for those fisheries. The decline was the result of a months-long closure that began in
November 2015 due to the presence of a biotoxin in crabs, caused by a persistent and widespread harmful algal bloom. The federal Department of Commerce is reviewing the fishery closure’s impacts to determine whether a disaster declaration is warranted. If so, a federal appropriation via H.R. 4711 by Representatives Jackie Speier (D-San Mateo County) and Jared Huffman (D-North Coast), and its senate companion S. 2654 by Senator Barbara Boxer (D-CA), will be the next steps.

Congress will also have an opportunity to review a proposal to designate several seamounts off the California coast as National Monuments. H.R. 5797 by Representative Sam Farr (D-Central Coast) would end the Pacific Fishery Management Council’s jurisdiction over fisheries at seven sites off the California coast and put it in a new management body. Many commercial fisheries that currently occur at those sites would have to petition to be allowed to continue; recreational fisheries and the commercial albacore fishery would not be restricted. The fishing industry, including the recreational sector, has united to oppose this proposal. Fishermen should note that Monument designation could also occur via a presidential order, even if the bill does not move in Congress.

H.R. 3094 by Representative Garret Graves (R-LA), which primarily affects Gulf Coast fishermen, is also gaining steam. The bill would remove the Gulf of Mexico Fishery Management Council’s management authority over the contentious Red Snapper fishery and place it in the hands of the Gulf Coast states. Many see this as a quota allocation grab, rather than a strategic fisheries management move. It could prove to be a dangerous precedent for special interests to get around the Magnuson-Stevens Act’s requirements that fisheries management be transparent, allow stakeholders to participate, maximize the national benefit from the fisheries, and utilize the best available science to make management decisions.

For more information, visit www.congress.gov and search for the bill numbers noted in this article. For more on the California drought bills, see Sublegals 21:15/03. For more on the aftermath of the 2015-16 crab season and on the upcoming season, see this 12 August Undercurrent News article. For more on the seamount fight, see Sublegals 21:20/XX, below, or PCFFA’s National Monument webpage. For more on the Red Snapper bill, see this 17 June Trade Only Today article. Crabber photo by California Department of Fish & Wildlife, public domain.

**21:20/02. FISH DISEASE OUTBREAK POSSIBLE ON KLAMATH RIVER:** Yurok Tribal fishery managers announced last week the presence of the deadly parasitic fish disease known as “ich” on the Klamath River. The disease was responsible for a massive fish kill in 2002 that left 35,000 salmon dead. The Tribe found ich at the mouth of Blue Creek on the Yurok reservation, and state and federal fishery managers have joined the hunt to determine how far the disease has spread. The disease thrives in low flows and high water temperatures, so...
increasing the amount of water moving through the Klamath system is a likely option to ward off the disease.

For more information, see this 19 August Eureka Times-Standard article. Klamath Coho photo by National Marine Fisheries Service, public domain.

21:20/03. PUBLIC HEALTH ADVISORY ISSUED FOR MONTEREY AND HALF MOON BAY SHELLFISH: The California Department of Public Health (CDPH) announced last week that domoic acid is present in state waters and has contaminated Rock crabs and bivalve shellfish, such as scallops, oysters, mussels and clams in Monterey and Half Moon Bay, CA. The advisory warns against consumption of shellfish from those areas, but does not amount to a new commercial fishery closure. Commercially-sold shellfish are subject to rigorous testing to prevent exposure to naturally-occurring biotoxins. The Rock crab fishery north of Pigeon Point in Half Moon Bay remains closed since the initial domoic acid closure in November 2015.

For more information, see this 21 August San Francisco Chronicle article.

21:20/04. WHALE DISENTANGLEMENT TRAINING AVAILABLE: California Whale Rescue (CWR) is offering trainings to fishermen to learn entangled whale response information. The free workshops will happen through the end of August at several sites in California: Crescent City, Eureka, Fort Bragg, Tiburon, Half Moon Bay and Moss Landing. This is a great opportunity to be part of the solution by getting the latest information on whale entanglements, and on reporting and response techniques. CWR is a nonprofit organization that coordinates whale disentanglement teams operating under a National Oceanic & Atmospheric Administration (NOAA) permit.

For more information and to get involved, visit CWR’s Events Webpage and click on the training you’d like to attend to RSVP.

21:20/05. FINANCIAL AUDIT APPROVED FOR TWIN TUNNELS PROJECT: An audit requested by state lawmakers to look into possible shady financial dealings around the Twin Tunnels project was approved by a bipartisan majority 9-2 in the Joint Legislative Audit Committee on 10 August. Delta legislators Assemblymember Susan Talamantes Eggman and State Senator Lois Wolk, led the request. It was made after at least one water contractor that stands to benefit from the Tunnels project, Westlands Water District, was revealed to have “questionable” spending and accounting practices. The request for audit was also bolstered by the announcement that the U.S. Department of the Interior’s Inspector General is auditing the federal Bureau of Reclamation over its financial support of the project.

The legislators’ hope is to achieve full transparency for any water project in California, even as they continue to oppose the Twin Tunnels Project, and to ensure funding in future and deter illegal cost-shifting. The audit will begin in April, 2017, and is expected to take around seven months to complete.

For more information, see this 11 August Sacramento Bee article, and this 9 May press release from Senator Wolk and Assemblymember Eggman, posted by Maven’s Notebook. For history on the investigation, see Sublegals 21:11/02, and don’t forget about “a little Enron accounting” in Sublegals 21:08/02.

21:20/06. NEW ENVIRONMENTAL ANALYSIS REQUESTED FOR TWIN TUNNELS PROJECT: On Tuesday 18 August, a group of nonprofit, conservation, and fishing groups sent
a letter to California lawmakers requesting a new-- and complete-- environmental analysis of the Twin Tunnels project. The coalition claims that the current environmental analysis violates both the California Environmental Quality Act (CEQA) and the National Environmental Quality Act (NEPA) by not taking the “hard look” at the environmental impacts required by both CEQA and NEPA. The claims made in support of the request include: failed environmental review documents, missing environmental analyses, biological assessments predicting adverse effects on Delta species, and a new White House guidance requiring consideration of climate change on federal projects.

For more information, see this 18 August Maven’s Notebook article and Sublegals 21-03:06 on Delta water quality issues and EPA review.

21:20/07. INDUSTRY PRESSURE MOUNTS ON SEAMOUNT MONUMENT PROPOSAL: More than 40 groups from the California fishing community, from processors to commercial and recreational groups to harbors and chambers of commerce, have joined together to oppose a proposal to close almost all seamounts, ridges and banks to oil and drilling, and to commercial fishing permanently. The justification given for the closures would be to protect benthic features such as corals and sponges.

The proposal could be implemented by an executive order by President Obama under the Antiquities Act – a law which allows the president to create national monuments from public lands – closing them to commercial or extractive use. Under the same law, Congress can designate a monument through its normal legislative process. The Act provides the designating body with almost complete discretion as to what can be protected, and the size of the area affected. PCFFA director Tim Sloane wrote that the Act “was not intended to manage fisheries . . . . [D]rilling, fracking [and] mining are very real and worth protecting against. But the Antiquities Act is a hammer, and what’s needed here is a scalpel.”

Many of the areas potentially affected by the proposal are productive fishing grounds for species such as swordfish, tuna, rockfish, white sea bass and albacore. Some fishermen have had to rely more heavily on these species as salmon and Dungeness crab catches have declined.

Most of these areas are already protected by laws such as the Magnuson-Stevens Act, the Marine Mammal Protection Act, and the Endangered Species Act. Additionally, bottom-fish trawling is already prohibited in the proposed monument areas by the Pacific Fishery Management Council’s Essential Fish Habitat regulations. All of these designations were made with the required public input and scientific review, which would not be required under the current proposal. California has some of the most strictly-regulated fisheries in the world, and Sloane points out that the proposal ignores “decades of experience the regional fishery
management councils have developed during their tenure.” What it does do, he states, is “serve the needs of non-fishermen who don’t want to sit at the Magnuson-Stevens table.”

**For more information**, see this [15 August Sacramento Bee](#) editorial, Tim Sloane’s [10 August Marine Fish Conservation Network](#) blog, the Pacific Fishery Management Council’s [Essential Fish Habitat Regulations](#), and [Sublegals 21:19/04](#) on PCFFA’s fight to oppose the offshore monuments. Deep sea habitat photo by NOAA, public domain.

**21:20/08. CALIFORNIA FISH & GAME COMMISSION MEETING AUGUST 24-25**: The California Fish & Game Commission (Commission) will host its next meeting this week on Wednesday and Thursday, August 24 and 25, at the Lake Natoma Inn in Folsom, CA. Topics that may be of interest to commercial fishermen include an update to the Marine Protected Area Master Plan, lessons learned from the 2015-16 Dungeness and Rock crab fishery closures, and changes to gear restrictions in San Francisco Bay.

**For more information**, see the Commission’s [meeting agenda and downloadable meeting materials](#).

**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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