

SUBLEGALS

- WE HOOK THE NEWS THATS FIT TO NET-

VOL. 4, NO. 22

<http://www.ifrfish.org>

30 November 2001

IN THIS ISSUE.....

World Fish Catches Over-reported, Stocks In Worse Shape Than Believed? **4:22/01.**
Central California Crabbers Stay Tied-Up; San Francisco Bay Herring Fishery Opens. **4:22/03.**
Chilean Trade Under Investigation – Implications For Farmed Salmon Imports? **4:22/05.**
Funding For Columbia River Salmon Restoration Comes Up Short. **4:22/12.**
MPAs May Improve Harvests of Certain Fish Species in Surrounding Waters. **4:22/18.**

AND MORE.....

4:22/01. WORLD FISHERIES ASSESSMENTS MAY BE STATISTICALLY FLAWED: Various official reports have indicated serious overall worldwide increased fisheries harvests in recent years, particularly based on data recently discovered to have been seriously flawed. Systematic over-reporting by China in the 1990's has been found that, because the China harvests are so large, biases worldwide harvest statistics considerably, so that the overall harvest trend was officially up for the 1990's while the actual harvest levels had actually begun to decline. What this means is that the actual harvests, and perhaps the status of fish stocks, is worse than reported by the United Nations Food & Agriculture Organization (FAO) findings that depleted and overexploited ocean fish stocks constitute about 28 percent of the fish in the world's oceans; fully exploited stocks account for another 47 percent, with moderately exploited and under-exploited totaling about 25 percent. The report, "Systematic Distortions In World Fisheries Catch Trends," by Watson and Pauly, appears as a letter in the 29 November issue of *Nature* (No. 414, pp. 534-536). To view this report, go to: <http://www.nature.com/nature/links/011129/011129-2.html>.

The Watson and Pauly letter comes on the heels of a scathing European Commission report on the European Union's (EU) Common Fishery Policy (CFP). According to a 23 November article in the U.K. trade publication, *Fishing News* (p.1), the Commission found enforcement and monitoring under the CFP to be fragmented, with unauthorized fishing being the most frequent infringement of the CFP. The report about management implementation, enforcement and monitoring for fisheries in the developed world brings into serious question the degree of adherence to management measures in less developed nations. To see the full *FN* article, go to: www.fishingnews.co.uk.

4:22/02. CATFISH LABELING BAN BECOMES TEMPORARY LAW: Fish importers will no longer be able to label their product as catfish after months of lobbying and consumer marketing by the U.S. catfish industry and Catfish Farmers of America (CFA) (see *Sublegals* 4:16/11) reports *WorldCatch*. U.S. President George W. Bush signed the Agricultural Appropriations Act (H.R. 2330), allowing the nation's catfish industry the exclusive use of the word catfish as a marketing name and prohibiting the U.S. Food & Drug Administration (FDA) from allowing any fish labeled as catfish unless it comes from the North American *Ictaluridae* family.

These restrictions will last until 30 September 2002. However, similar language to that in H.R. 2330 is included in H.R. 2964, passed by the House, that would make the labeling ban permanent for fish not classified within the family *Ictaluridae*. U.S. Senator Blanche Lincoln (D-AK) is seeking to include similar legislation in the Senate Farm Bill. This legislation comes on the heels of the European Union's (EU) adopted regulations requiring name of seafood, place of origin and method of production (see *Sublegals*, 4:17/01) and coincides with the current effort of the Institute of Fisheries Resources (IFR) to increase public awareness of the need to properly label seafood (see *Sublegals*, 4:16/09). For more information on this IFR initiative, contact Natasha Benjamin at: ifrfish@pacbell.net. To read the entire *WorldCatch* article on the catfish labeling legislation visit: www.worldcatch.com.

MORE.....

4:22/03. NO PRICE SETTLEMENT ON CRAB; SAN FRANCISCO BAY HERRING SEASON STARTS THE 2ND: There are still no signed market orders for Dungeness crab for the central California season, that was scheduled to open 15 November (see *Sublegals*, 4:21/01; 4:20/03; 4:19/01). Currently fish processors have offered an opening price of \$1.85 per pound ex-vessel and the marketing associations are asking \$2.00 per pound, \$.25 less than last years opening price. The "northern" season (Mendocino County, California north to the Canadian Border) was set to begin 1 December, but an impasse in the price negotiations there, too, is expected to delay that season opener. Meanwhile, along the central California coast, the San Francisco Bay "DH" gillnet roe herring fishery is set to begin Sunday evening, 2 December. The DH is the first platoon of boats to fish in this fishery, the first roe fishery to open each year along the Pacific Coast. The San Francisco Bay fishery, which also includes two platoons that start in January, is the largest herring fishery south of British Columbia and the United States' only surviving urban commercial fishery.

4/22/04: MARINE POLLUTION REPORT ISSUED BY UN: This past week the United Nations Environment Program (UNEP) issued its report on marine pollution, "Protecting the Oceans from Land-Based Activities." Actions addressing sewage are given the highest priority in the report, along with the need for control over excessive nutrients, and a halt to the alteration or destruction of habitats and increased sediment flows. The report was prepared for the upcoming UN world summit on sustainable development, scheduled for Johannesburg in September 2002. PCFFA President Pietro Parravano will be addressing a meeting in Paris next week, hosted by UNESCO, where he will discuss fishery issues in preparation for the "Rio+10" Johannesburg summit.

UNEP Director Klaus Toepfer said the value of marine and coastal ecosystems is equivalent to half of the annual global gross national product. "Yet we continue to treat coasts and oceans as if they were not an important economic resource for developing and developed countries alike," stated Toepfer. He said that nearly 80 percent of the environmental problems in the oceans begin on land, including pollution from factories, sewage, fertilizers and pesticides that wash into the sea. For more information on the Rio+10 summit and the United Nations Environment Program, or for a copy of the pollution report, search on the UNEP website starting at: <http://www.unep.org>.

4:22/05. U.S. - CHILE TRADE UNDER INVESTIGATION: The International Trade Commission (ITC) is beginning an investigation of trade between the U.S. and Chile as part of negotiations between the two countries to develop a free trade agreement (see *Sublegals* 4:17/03). *WorldCatch News Network* reported that the inquiry was requested by the U.S. Trade Representative's (USTR) office and will examine the Chilean economy and Chilean patterns of trade. The inquiry will also analyze the trade and economic impacts by sector of a U.S. Chile trade agreement (see *Sublegals* 4:16/07). Farmed salmon, a major share of Chilean exports, will be a part of the investigation (see *Sublegals* 4:17/03; 4:10/02; 4:09/02). United Fishermen of Alaska (UFA) has been pressing for such an investigation and for controls over Chilean salmon imports into the U.S., a position largely supported by PCFFA.

The ITC report is to be submitted by 17 January 2002. Public comments are being accepted, but there will be no public hearings. Parties are asked to submit written statements (original and 14 copies) to Secretary, United States International Trade Commission, 500 E Street SW, Washington, D.C., 20436 no later than 12 December. For more information, contact: Dennis Rapkins, Deputy Project Leader, Office of Industries, ITC, 202-205-3406. To see the entire article, visit: www.worldcatch.com.

The vote on H.R. 3005, the "fast track" bill aimed at giving the U.S. President greater authority in trade negotiations (see *Sublegals*, 4:21/11; 4:16/05; 4:14/11) is scheduled for 6 December, in the U.S. House of Representatives. The proposed free trade agreement with Chile would be the first negotiated under any fast track authority. The vote is expected to be close and, according to a report by the *Washington Post*, Congressman Thomas Davis (R-VA) is pushing for the vote, even if it can't pass, in an effort to create a schism between Democrats and the high tech industry. The vote creates a dilemma for the Democrats, torn between their labor and environment constituency, and the high tech industry that is seeking fewer restrictions on trade. For information, see: www.globalexchange.org/fasttrack.

MORE.....

4:22/06. SCIENTISTS FIND TRANSGENIC ESCAPED GENES IN MEXICO: Confirming the worst fears of critics of transgenic manipulation, scientists have discovered genes now commonly used in several experimentally grown genetically modified (GM) crops common in the U.S., but in the remotest parts of Mexico within populations of wild maize plants which are the genetic source and gene bank for all commercially grown corn. Opponents of genetically modified organisms have long claimed that exotic genes artificially inserted into plants to increase resistance to pests or pesticides could potentially escape the original plant source and contaminate other gene pools. Advocates for GM crops have discounted that possibility. However, this report, in the 29 November issue of *Nature* (No. 414, pp. 541-543), apparently confirms that fear. No signs of foreign genes were found in Peruvian maize nor in archived samples from the same Mexican maize taken from before the advent of transgenic crops. Mexico banned planting transgenic maize in 1998 to protect its gene banks, but it is still imported from the United States. The closest area with GM crops to the contaminated crop is 60 miles away. The article itself is on the web at: <http://www.nature.com/nature/links/011129/011129-4.html>.

One of the implications of this finding is that risks of wild salmon gene pool contamination from the introduction of genetically modified salmon may also have been greatly understated. Scientists have also estimated that escaped GM salmon genes would take no more than 40 generations to spread throughout the wild salmon gene pool, with potentially devastating consequences for wild salmon survival, including possible extinction. See for instance the "Trojan Gene Theory" article: "Possible Ecological Risks of Transgenic Organism Release When Transgenes Affect Mating Success: Sexual Selection and the Trojan Gene Hypothesis," Muir and Howard, 23 November 1999 (Vol. 96, No. 24) in *Proceedings of the US National Academy of Sciences*, pages 13853-13856 (on the web by date and issue at: www.pnas.org.)

4:22/07. FISH FARMING LINKED TO INCREASE IN EXOTIC SPECIES: The 23 November issue of *Science* (Vol. 294, pp. 1655-1656) also includes an article on the problem of introduction of exotic species by aquaculture. The article, "Aquaculture – A Gateway for Exotic Species," concludes, "International transfers of nonnative species for aquaculture poses high ecological risks given the absence of strong policies in most countries." The authors call for considerably improved U.S. government oversight, and putting into place much stronger international policies to prevent use and eventual escape of non-native species from the aquaculture industry.

4:22/08. EPA TEMPERATURE GUIDANCE OUT FOR COMMENTS: The U.S. Environmental Protection Agency (EPA) Region 10 is seeking comments on its draft guidance for developing water quality standards for temperature that protect native salmonids (including salmon, steelhead, bull trout and cutthroat trout) in the Pacific Northwest. This guidance will be the basis for all future water quality standards set by the states under the Clean Water Act (CWA) and for the state's process of setting 'total maximum daily loads' ('TMDLs') for water temperature for salmonids. Salmonids generally need cold water for survival, and many Northwest streams now greatly exceed optimum water temperatures for salmonid spawning and rearing, and as a consequence are listed as 'water quality limited' under the Clean Water Act's '303(d) List.' The Clean Water Act requires states to set TMDL temperature standards for maximum river water temperatures and to bring streams out of compliance with that standard back into compliance over time. The draft guidance for public comment can be found on the EPA website at: www.epa.gov/r10earth/water.htm or can be obtained in hard copy by calling EPA's Public Environmental Resource Center at (800) 424-4372. Comments are due by 22 February 2002.

4:22/09. COHO SALMON HABITAT RESTORATION FUNDING AVAILABLE: The California Department of Fish & Game (CDFG) is requesting proposals for fishery restoration work that restores or benefits coho salmon or their habitat throughout their current range in coastal California. The proposals are due 11 January 2002. To receive a copy of the Request for Proposals visit <http://www.dfg.ca.gov> or call (916) 327-8840. There will be a workshop to help guide the preparation of sound restoration proposals on Saturday, 8 December, from 1000 to 1500 hours at the Siskiyou County Fairgrounds, 1712 Fairlane Road in Yreka, California.

MORE.....

4:22/10. REPORT HIGHLIGHTS NEED FOR OREGON FORESTRY REFORM FOR SALMON RESTORATION: A new status report on Oregon coastal watersheds and the impact of industrial forestry on salmon habitat has been published by the Coast Range Association of Oregon. The report, "Forestry and Salmon: A Report on Oregon's Coastal Watersheds and the Need for Forestry Reform," documents how modern industrial forestry in that state has stripped most coastal watersheds of larger old trees, removed sources of large woody debris in streams and greatly impoverished salmon production throughout Oregon's coastline. The report finds that: "A shift from an abundant large timber forest to a small, timber poor forest set the stage and caused much of the salmon crisis." As a result, few coastal watersheds are still within the historic range of variability that salmon evolved for and which they require for survival. The conclusions of the report are that without major regulatory reforms in the State of Oregon on private industrial timberlands, which compared to California and Washington are still poorly regulated, salmon recovery will be difficult to impossible. A copy of the watersheds report is available on the web at: <http://www.coastrange.org>.

4:22/11. BILL PROPOSES SAFEGUARDS FOR KEY TONGASS SALMON WATERSHEDS: Since its introduction on 20 September, eighty-six members of Congress have joined U.S. Representatives Rosa DeLauro (D-CT) and Connie Morella (R-MD) to co-sponsor the "Alaska Rainforest Conservation Act" (ARCA), H.R. 2908, intended to protect key watersheds in Alaska's Tongass National Forest, most of which produce salmon, from the impacts of large-scale clearcuts and roadbuilding. The Tongass, the largest temperate rainforest in the United States, is the source of much of the salmon production of the State of Alaska, but has also been badly overcut in the past by timber companies taking advantage of long term 'sweetheart deals' that were signed decades prior to most environmental protections. Though many of these deals have since been terminated, others remain. Timber sales in the Tongass typically are also conducted at a huge financial loss to taxpayers, in addition to damaging key salmon runs.

Many of the key areas that would be protected under ARCA were administratively protected under the 1999 Tongass Land Management Plan (which Alaska fishermen played a key role in getting adopted), but the Plan was partially overturned in March 2001 by a suit filed by the Alaska timber industry, and the Bush Administration has already started the process to amend the Plan as of late September 2001. Newly appointed and confirmed Undersecretary for Natural Resources and the Environment Mark Rey (replacing Jim Lyons of the Clinton Administration) will oversee the review process. Rey, former aide to U.S. Senator Frank Murkowski (R-AK) as chair of the Senate Energy & Natural Resources Committee, was an active timber industry lobbyist for almost 20 years and is also widely blamed as the author of the infamous 'Timber Salvage Rider' of 1995, which suspended all environmental laws for 18 months on all west coast old growth timber sales in key salmon watersheds. Rey is also now the Administration official overseeing the U.S. Forest Service. H.R. 2908 is now in the House Resources Committees' Subcommittee on Forestry & Forest Health, with no hearings as yet scheduled.

4:22/12. CONGRESS FALLS SHORT IN COLUMBIA RIVER SALMON RECOVERY PLAN FUNDING: The \$435.6 million total allocated by Congress in the 2002 federal budget for Columbia River salmon recovery plan implementation "falls far short," according to American Rivers, of the amounts actually required to implement that plan. Trout Unlimited, American Rivers and Save Our Wild Salmon, a coalition of fisheries and conservation groups, have estimated the full costs of implementation of the controversial 2000 National Marine Fisheries Service's (NMFS) Biological Opinion (BiOp) for the recovery of the Columbia and Snake River's 12 salmon runs now listed as either threatened or endangered under the federal Endangered Species Act (ESA) as more like \$700 million needed in 2002, with higher levels in future years. Similar funding levels were, in fact, advocated by U.S. Senator Mike Crapo (R-ID) (\$688.2 million) and Oregon Governor John Kitzhaber (\$718 million) during this Congressional session, but the Administration eventually only requested \$350 million - an amount that was raised to \$435.6 million only after intensive lobbying by U.S. Senator Patty Murray (D-WA), Representative Norm Dicks (D-WA) and others. Since the events of 11 September, even less money is likely to be available in the future given the current federal budget deficits now projected as lasting several years. The NMFS BiOp, adopted December 2000 as a way to avoid decommissioning the four lower Snake River hydropower dams, will fail without adequate implementation funding. Failure to implement the recovery plan would trigger a crisis in the Columbia and Snake Rivers, where policies on dams would then be in direct collision with the ESA, the Clean Water Act, the Northwest Power Act and Tribal Treaty obligations. For more information contact Rob Masonis, American Rivers Seattle Office, (206) 213-0330. **MORE.....**

4:22/13. WILD VERSUS FARMED SALMON TASTE TEST SET FOR SEATTLE: The Sustainable Fisheries Alliance has announced a taste test between wild and farmed salmon is scheduled for Wednesday, 19 December, at the Fremont Unconventional Space (FUNC), 160 N. Canal Street in Seattle. The taste test will involve five different species of salmon. The event itself will also feature a media presentation on open water net-cage salmon, halibut, blackcod, and cod farming and the effects on coastal communities and the environment, and a several course gourmet seafood meal featuring wild and sustainable seafood and the "Amazing Salmon BBQ" - oysters, salmon, crab, blackcod, tuna, halibut, and caviar, coupled with a microbrew tour. There will be a scary event (left over from Halloween) - the telling of the Frankenfish Story, as well as an auction, music and special guests. For more information, call John Foss at (206) 932-0595, or e-mail him at: sustain@oz.net.

4:22/14. WASHINGTON PESTICIDE/ESA STRATEGY UNVEILED: The Washington State Pesticide/Endangered Species Act (ESA) Task Force, an interagency task force with representatives from several federal and state agencies as well as several scientists, has released its final strategy document entitled, "A Process for Evaluating Pesticides in Washington State Surface Waters for Potential Impacts to Salmonids." The document outlines a strategy for evaluating the impact of pesticides on threatened and endangered salmonids in Washington State. The finalized strategy document can be obtained on the web at: www.wa.gov/agr/pmd/pesticides/esa.htm.

On the federal level, the U.S. Environmental Protection Agency (EPA) has recently been sued by a coalition of groups, including PCFFA, for its systematic failure to consult with the National Marine Fisheries Service (NMFS) on the impact of pesticides on Endangered Species Act (ESA) listed salmonids as required under Section 7 of the federal ESA. Many pesticides are now known to chronically affect salmonid survival rates at levels far below those set on the basis of instant mortality alone. See for instance a recent report, "Diminishing Returns: Salmon Decline and Pesticides" (February 1999) on the web at: www.iffish.org/salpest.htm.

4:22/15. MORE WASHINGTON RIVERS ADDED TO POLLUTED LIST: Washington's Department of Ecology has added another 22 waterways to the growing the of lakes, rivers and marine waters defined as 'water quality limited' in accordance with the Clean Water Act (CWA) 303(d) List. These are waters no longer 'fishable or swimmable,' the standard required under the Act. Water quality problems identified in Washington state are listed at: www.ecy.wa.gov/programs/wq/303d. The next required revision of the state's 303(d) List is scheduled for fall of 2002. The 2002 list will be issued following adoption by the U.S. Environmental Protection Agency (EPA) of their temperature standards guidance (see *Sublegals* 4:22/08 above). For more information about the program, contact Ecology Water Cleanup Coordinator Ron McBride, at (360) 407-6469 or at: rmcb461@ecy.wa.gov.

4:22/16. CALIFORNIA FISH & GAME COMMISSION MEETING - NEARSHORE FISHERY ISSUES UNDER CONSIDERATION: The California Fish & Game Commission will meet 6-7 December in Long Beach. Among the major fishery issues to be discussed will be the report on the peer review of its Nearshore Fishery Management Plan (Agenda Item #5) and adoption of proposed changes to the nearshore permit (Agenda Item #14), as well as adoption of the Marine Life Management Act (MLMA) master plan (dealing with state marine protected areas - Agenda Item #16) as well as consideration of adoption of the White Seabass Fishery Management Plan (Agenda Item #17). For more information, go to: www.dfg.ca.gov/fg_comm/12-06-01.htm.

4:22/17. NMFS RELEASES EIS FOR STELLER SEA LIONS: On 28 November, the National Marine Fisheries Service (NMFS) released its final Supplemental Environmental Impact Statement (SEIS) intended to "provide information on potential environmental impacts that could occur from implementing a suite of fisheries management measures such that the western population of Steller sea lions existence is not jeopardized nor its critical habitat adversely modified by the groundfish fisheries in the Gulf of Alaska and the Bering Sea and Aleutian Islands; and meet the National Environmental Policy Act's [NEPA] purpose of fostering excellent actions and better decisions that are based on understanding the environmental consequences of actions." Much of the Alaskan groundfish fishery has been closed due to concerns for the Steller sea lion, now listed under the Endangered Species Act. To view the SEIS, go to: <http://www.fakr.noaa.gov/sustainablefisheries/seis/sslpm/default.htm>.

MORE.....

4:22/18. REPORT INDICATES CARIBBEAN MARINE PROTECTED AREAS HAVE IMPROVED SURROUNDING FISH HARVESTS: An article in the 30 November issue of *Science* (Vol. 294, pp. 1920-1923) titled "Effects of Marine Reserves on Adjacent Fisheries," reports on a study that has looked at two new marine protected areas, one in Florida and the other near the Caribbean island of St. Lucia, and concluded that the existence of these protected areas has indeed increased surrounding fisheries harvests. While marine protected areas (MPAs) have had some demonstrated conservation benefits, few studies have as yet been done to examine benefits to commercial and recreational fisheries and so they remain highly controversial among both industries. This study confirms theoretical predictions that properly structured marine protected areas (e.g., that protect key nursery areas and allow dispersal) can have substantial collateral benefits to surrounding fisheries. Near St. Lucia, surrounding fish harvests were observed to increase by 46 to 90 percent over a five-year period, depending on species. To view the *Science* article, go to: www.sciencemag.org.

4:22/19. PFMC AD HOC GROUND FISH COMMITTEE TO MEET IN PORTLAND: The Pacific Fishery Management Council's (PFMC) Ad Hoc Groundfish Multi-Year Management Committee (GMMC) will hold a public work session, Thursday-Friday, 13-14 December, at the PFMC West Conference Room, 7700 NE Ambassador Place, Suite 200, in Portland, Oregon. For more information, call (503) 326-6352 or go to the PFMC website at: www.pcouncil.org.

4:22/20. LAWSUIT TARGETS WILDLIFE INITIATIVES IN WASHINGTON STATE: The December 2001 issue of *Pacific Fishing* carries an announcement (p.7) about a group calling itself "Citizens for Responsible Wildlife Management (CRWM)," which is legally challenging the constitutionality of two recently passed wildlife management initiatives (I-655 and I-713, both restricting the use of bear bait, dogs and traps in hunting and wildlife management). By implication, however, a court victory in the case would invalidate all future citizen initiatives concerning wildlife management in the State of Washington. The group's suit alleges that all such initiatives, regardless of subject, are an unconstitutional special interest political interference with the state's Public Trust Doctrine and with science-based public wildlife management policies.

In addition to a number of hunter and sportsman's groups who opposed those particular initiatives, the coalition also includes the Purse Seine Vessel Owner's Association and the Washington Women for Commercial Fisheries because, should such a suit succeed, it would also by implication invalidate future versions of such past initiatives as I-640 and I-696, either of which would have essentially banned commercial fishing in that state. Both of these divisive initiatives (which lost by a wide margin) were made possible for fringe anti-commercial sportfishing activists to get on the ballot only with extensive under-the-table organizing support, funding and legal assistance from aluminum companies and other upper Columbia River special interest groups, who were seeking retribution against the commercial fishing industry for its strong stand favoring decommissioning of four Snake River dams, a move which threatened their massive power and transportation subsidies. The CRWM's point is that most wildlife initiatives these days are not about wildlife management so much as about power politics, and if allowed to stand most would seriously undercut the state's ability to effectively manage public trust wildlife resources. For more information on CRWM see: www.responsiblewildlifemanagement.org.

NEWS, COMMENTS, CORRECTIONS: Submit your news items, comments or any corrections to Allison Vogt, Editor at: ifrfish@pacbell.net 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). *Sublegals* is a weekly fisheries news bulletin service of Fishlink. To find out more about Fishlink, list information can be viewed and you can subscribe automatically at: <http://straylight.primelogic.com/mailman/listinfo/fishlink>. If you have any trouble subscribing or unsubscribing, contact IFR/PCFFA directly at: fish1ifr@aol.com. "Fishlink" is a registered trademark of the Institute for Fisheries Resources. All rights to the use of this trademark are reserved to IFR. This publication, however, may be freely reproduced and circulated without copyright restriction. If you are receiving this as a subscriber, please feel free to pass this on to your colleagues. Subscribers who wish to post or circulate hard copy of *Sublegals* or have no access to the Internet may receive fax subscriptions by faxing their request, with their fax number to: (415) 561-5464.

#####