

## RESOLUTION CHAPTER 141

Senate Joint Resolution No. 19—Relative to salmon and steelhead trout fishery.

[Filed with Secretary of State September 16, 1983.]

WHEREAS, The value of California's commercial fishery is one and a quarter billion dollars (\$1,250,000,000) annually and the value of the California recreational fishery is estimated to be four hundred million dollars (\$400,000,000) annually; and

WHEREAS, The salmon fishery constitutes a significant part of California's commercial and recreational fishery; and

WHEREAS, The salmon fishery is important for food, jobs, and recreation, and to the local economies of central and northern California coastal communities; and

WHEREAS, The salmon resource of California has declined as much as 50 percent from the historical levels, due primarily to the damage done to the in-river spawning and nursery habitat of salmon; and

WHEREAS, The state of California and commercial and recreational fishermen have made a commitment to the restoration of California's salmon resources through stream restoration projects, increased in-river water flows, expanded hatchery production, and rearing-pond and hatch-box programs funded by money from nonrenewable resources, from the fishermen themselves, and from private contributions and assessments on catches; and

WHEREAS, The federal Pacific Fishery Management Council and the Department of Commerce have sought to manage California's salmon fishery on the basis of salmon runs to the Klamath-Trinity and the Upper Sacramento Rivers; and

WHEREAS, The federal government has failed to mitigate the full fish losses at the Trinity Fish Hatchery that occurred from the loss of spawning and nursery habitat above the Trinity and Lewiston Dams, which the hatchery was to mitigate; and

WHEREAS, The federal government has not provided full funding to replace salmon spawning gravels lost below the Lewiston Dam; and

WHEREAS, The federal government has not solved fish passage problems at its Red Bluff Diversion Dam, which was built to provide water for irrigation and to enhance the fisheries; and

WHEREAS, The federal government has not provided full funding for salmon spawning gravel below Keswick Dam or operated efficiently its Tehama-Colusa Spawning Channel on the Upper Sacramento River; and

WHEREAS, In 1982, as a result of California's salmon restoration programs, California fishermen had one of their best salmon harvests in recent years and salmon spawning escapement into most of California's river systems was above average; and

WHEREAS, The Pacific Fishery Management Council has proposed, and the Secretary of Commerce has enacted, a season and regulations for 1983 to severely restrict the California salmon fishery; and

WHEREAS, The restrictions have been enacted with no guarantees by the federal government that more spawning habitat will be made available by solving in-river problems that the federal government has created; and

WHEREAS, The number of salmon caught by the California commercial salmon industry in 1983 has suddenly, unexpectedly, and drastically dropped to the lowest levels in 25 years; and

WHEREAS, The average size and weight of salmon caught in 1983 has also dropped to the lowest level in 25 years; and

WHEREAS, The disastrous catches in 1983 are attributable to the sudden and unexpected appearance of anomalous ocean conditions, commonly known as El Nino, marked by the absence of normal upwellings, high water temperatures, and scarcity of prey for salmon; and

WHEREAS, The anomalous ocean conditions in 1983 are not part of a general trend, but constitute a physical disaster similar to a hurricane, earthquake, or drought; and

WHEREAS, The combination of fewer and smaller salmon in 1983 and the lack of private financial assistance on reasonable terms has forced many salmon fishermen to the point of insolvency, default, and bankruptcy; and

WHEREAS, Commercial fishermen are virtually without recourse to federal or state disaster relief assistance programs; and

WHEREAS, The United States Small Business Administration is authorized to make or guarantee loans as necessary to victims of economic injury caused by physical disasters; and

WHEREAS, The Legislature previously has respectfully memorialized the President and Congress of the United States to create a separate federal fishery management council for California; and

WHEREAS, Representative Glenn Anderson of California has introduced HR 2351 to create a separate federal fishery management council for California; and

WHEREAS, The Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Committee on Merchant Marine and Fisheries of the House of Representatives has conducted hearings in Long Beach, Monterey, and Eureka on HR 2351 and has found widespread support for creation of a separate federal fishery management council for California; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature respectfully memorializes the President and Congress of the United States and the Secretary of the Interior to mitigate fully all fish losses that have occurred above the Trinity and Lewiston Dams, provide funding for spawning gravels below the Lewiston Dam on the Trinity and the Keswick Dam on the Upper

Sacramento River, solve the fish-passage problems at the Red Bluff Diversion Dam, and turn over the operations of the Tehama-Colusa Spawning Channel, with annual funding, to the Department of Fish and Game of this state; and be it further

*Resolved*, That the Legislature finds and declares that the anomalous conditions off the coast of California associated with El Nino in 1983 constitute a physical disaster that is causing severe economic injury to the commercial salmon fisheries of California; and be it further

*Resolved*, That the Legislature respectfully memorializes the President and Congress of the United States, the United States Small Business Administration, the Governor of California, and the California Office of Emergency Services to take the necessary steps to make federal Economic Injury Disaster Loans under the United States Small Business Administration's Physical Disaster and Economic Injury Loan Program available to California commercial salmon fishermen in 1983; and be it further

*Resolved*, That the Legislature reaffirms its support for creation of a separate federal fishery management council for California, with guaranteed representation for California commercial, recreational, and Klamath River American Indian fishermen, California seafood processors, and the California Department of Fish and Game; and be it further

*Resolved*, That the Legislature respectfully memorializes the President and Congress of the United States and the Secretary of Commerce to ensure that the Salmon Plan Development Team of any federal fishery management council, having authority over California, includes members representing balance of disciplines needed for optimum-yield management of the California salmon resource, and to include representatives of California ocean and inland salmon fishermen; and be it further

*Resolved*, That the Legislature requests all of the following:

(a) The Joint Committee on Fisheries and Aquaculture, in consultation with the Director of Fish and Game and the Fish and Game Commission, shall reestablish the Advisory Committee on Salmon and Steelhead Trout, which was created pursuant to Assembly Concurrent Resolution No. 64 in 1970, and shall appoint members to ascertain, study, and analyze all facts relating to the preservation, protection, restoration, and enhancement of salmon and steelhead trout resources of this state, including, but not limited to, the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon, or relating to, the subject of this resolution, to report thereon to the Joint Committee on Fisheries and Aquaculture and the Director of Fish and Game and to include in the report its recommendations for appropriate legislation.

(b) The Advisory Committee on Salmon and Steelhead Trout shall consist of persons having practical knowledge and experience in the following fields:

(1) Four representatives of the commercial salmon industry.  
(2) Four representatives of organized inland and ocean fisheries sportsmen's groups.

(3) One public member.

(c) The advisory committee shall cooperate with, and secure the cooperation of, state and federal agencies, counties and cities, and local law enforcement agencies in investigating any matter within the scope of this resolution.

(d) The advisory committee shall study and investigate all relevant matters, in order to provide for, and develop a program for, the preservation, protection, restoration, and enhancement of the salmon and steelhead trout resources of this state, including, but not limited to, the following matters:

(1) The conduct of hatchery and stocking operations to achieve maximum contribution to the fishery and to spawning escapement.

(2) The rehabilitation, protection, enhancement, and preservation of all salmon and steelhead trout spawning areas and the maintenance of those areas in optimum condition.

(3) The expansion of hatchery and related artificial propagation facilities, where necessary and feasible, to achieve maximum production of salmon and steelhead trout consistent with protection of naturally spawning stocks.

(4) The screening of all existing major diversions on salmon and steelhead trout streams.

(5) The development and conduct of rehabilitation, enhancement, and restocking programs, to achieve maximum production in all streams with historic populations of salmon and steelhead trout.

(6) The coordination of state programs and activities with federal agencies to promote maximum contribution to the salmon and steelhead trout resources by the federal government.

(7) The developing of a comprehensive salmon and steelhead management plan for the State of California.

(e) The advisory committee shall submit timely progress reports to the Joint Committee on Fisheries and Aquaculture and the Director of Fish and Game, and include, in these reports, any suggested legislation. The advisory committee shall also submit four annual reports to the Joint Committee on Fisheries and Aquaculture and the Director of Fish and Game. The advisory committee shall submit the first annual report on or before January 1, 1985, and shall submit the remaining reports on or before January 1st of each year thereafter; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Commerce, to the Secretary of the Interior, to the Director of the United States Small Business Administration, to the Speaker of the House of Representatives, to the Chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Committee on Merchant Marine and Fisheries

of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor, Director of Fish and Game, President of the Fish and Game Commission, and Director of the Office of Emergency Services of this state.

RESOLUTION CHAPTER 142

Senate Joint Resolution 28—Relative to Vincent Chin.

[Filed with Secretary of State September 16, 1983]

WHEREAS, Asian Americans have been given unfair and unjust treatment historically in the United States; and

WHEREAS, Our American judicial system has failed to execute its duties and responsibilities in the handling of the prosecution in Detroit, Michigan, of the killers of Vincent Chin, a Chinese-American; and

WHEREAS, Vincent Chin's murder was the result of a racially-motivated attack by which could have been perpetrated against any Asian person, and as an Asian American he was blamed for the high unemployment in the Detroit area; and

WHEREAS, Numerous and substantial mistakes, inexcusable omissions, and material errors on the part of the prosecuting attorney, the attorney general, and the judge on the case have resulted in the criminals effectively going unpunished; and

WHEREAS, It is the criminal justice system which is entrusted to protect the rights of all those concerned, the state, the defendants, and the victim; and

WHEREAS, The protection of human rights demands that a heinous crime such as the killing of Vincent Chin be properly dealt with on behalf of all members of society; and

WHEREAS, It is the duty and obligation of the criminal justice system to alleviate and rectify all errors occurring in the administration of justice and the enforcement of the laws; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the President and Congress of the United States are respectfully memorialized to request the United States Department of Justice to undertake a prompt and thorough investigation of, and prosecution for, all federal civil rights violations that may have been committed against Vincent Chin; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the United States Department of Justice.