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Staff copy

Chairman California Crab Pot Limit Task Force

My name is Larry Thevik. I am a lifetime resident of Washington State and have fished Dungeness crab in Washington, Alaska, and Oregon. I am a board member of WDCFA, a State appointed member of the Tri-State Crab Committee, and a State appointed member of the Washington Crab Advisory Board.

I own a 42 foot combination crabber, longliner, troller, prawner. Crabbing represents 85% of my income. I have been Dungeness crab fishing for 41 years.

I appreciate the opportunity to speak before the Task Force.

This is the last place I want to be today. I do not own a California permit and as such have no personal pot limit issues at stake. The only reason I am here, is that your collective solution to pot limit assignments may seem good enough to you but I believe it is actually a huge problem for all Crab fishers the entire length of the Coast.

There is nothing easy about building a crab pot limit regime. Obviously no plan is perfect but I believe the path you have chosen could lead us all to a place none of us want to be. I have come here today to specifically ask this task force to reconsider your exclusion of out-of-state landings for vessels holding California permits within your moratorium window. The States of Washington and Oregon included out-of-state landings in their pot assignments not out of generosity but after careful and considered review of the requirements of the Congressional Authority by which all three states have the right to enforce "equally" all regulations against all vessels (with the exception of landing laws) operating in the EEZ. (Ask who have read the Authority.) (In Washington 16 vessels [7%] based out of State)

I was heavily involved in the development and passage of the Congressional Authority now included in section 306 of the Magnuson-Stevens Fisheries Conservation and Management Act allowing the States of Oregon, Washington and California, to regulate the Crab fishery over all fishers in the EEZ adjacent to their respective States.

This was no easy task. A lot of people and processes were involved. WDCFA started pushing for State Jurisdiction in the EEZ in 1993. The present version in Magnuson was not passed until 1998.

In order to understand my objections and serious reservations about the unintended consequences of your actions I need to explain some of the processes and attempts to get Congressional approval for this Authority. I am fearful if the task force continues its present course of action that will likely cause a series of events leading all of us to a far worse set of circumstances than the impact of including a few out-of-state landings in your pot assignment.

As you know there is no FMP for crab. Because there was no FMP in place and the Federal Court ruling by Rafeedie(1993) on tribal sharing in Washington warranted the need to control out-of-state vessels operating beyond three miles, Congress in 1995 reluctantly granted a very limited authority to regulate crab in the EEZ by all of the States. (Have copy of Authority.) Included in the law the Pacific Fisheries Management Council was expected to develop and submit plans for an FMP for crab. Congress instructed PFMC to present its plan by Dec 1, 1997. An ad-hoc committee was formed by Tri-State and PFMC to flush out options including an FMP. At that stage no one on the West Coast wanted an FMP for crab. The resulting report to Congress recommended an expansion of the Interim Authority and that it be made permanent unless or until a FMP for crab was implemented.

Getting enough of Congress and NFMS to approve this special authority-for States to control fisheries in Federal waters- proved to be a difficult task. Senator Snow (R) of Maine, Senator Kerry (D) of Massachusetts, and Senator Hollings (D) of South Carolina all objected strongly to the plan. They said it "Strikes at the heart of Magnuson" and that it "Disrupts Federal Authority Scheme".

It was only because of the efforts of our West Coast Congressional delegation from California, Oregon, and Washington working together, along with the cooperative and consistent nature of our West Coast inter-State management agreements and regulations, along with the collective testimony of fishers, managers (including NMFS), and processors that ensured passage of this Authority titled HR 3498 in 1998. Although this Authority rests in section 306 in the Magnuson Stevens act the authority was never made permanent. It can be replaced at anytime by an FMP and has always included a sunset clause. We have had to extend the sunset at least three times- the next sunset is September of 2016. It will be over unless we get it extended.

In May of 1998 I went to Washington DC and testified in support of HR 3498 on behalf of WDCFA and CRCFA before the House Subcommittee on Fisheries Conservation Wildlife and Oceans. Also in attendance testifying in support were: Phil Anderson of PFMC, Dave Evans, Dr. William Robinson of NMFS, Randy Fisher of PSMFC, Nick Furman of ODCC, Rod Moore of West Coast Seafood Processors, and Pietro Parravato of PCFFA.

(You can find all of the testimony at that hearing by looking on the internet under Larry Thevik thread to Hearing on West Coast Groundfish and Dungeness Crab Conservation Act.)

All of the testimony offered that day from NMFS to managers to commissions to fishers to processors stressed the cooperative history and consultation between the three States. Randy Fishers' Testimony included the first MOU in 1980 before the formation of the tri-state crab committee that cited the States pledged "to take mutually supportive management actions."

I recall your representative: Peitro's testimony included this question he posed to himself: "Are there conflicts between the State that require Federal Management of this fishery?-the answer is no. As mentioned above there is a long history of co-operation and co-ordination by the three States in research and management of the Dungeness Crab Fishery. A Federal FMP would do nothing to improve the current level of co-ordination and co-operation."

The pot limit regime proposed to date by this task force falls far short of the claim of cooperation and coordination between States presented to Congress by your own witness. The pot limit regime to date falls far short of meeting the Federal requirement in the Authority to treat all vessels fishing within the EEZ "equally". The pot limit proposed to date falls far short of maintaining confidence by the rest of the country we will use our special authority wisely.

I believe this present pot plan is fundamentally flawed. The fix is to include out-of-state landings. We do not want to lose our special Congressional Authority. The likely replacement would be nothing or an FMP. An FMP would have to include among other things all of the National Standards, very few of which match up well with the Dungeness crab fishery.

If you continue playing with fire we are all likely to be burned!

Larry L. Thevik- board member WDCFA



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