

I also know this data exchange will take some time—at least two weeks. So, several other fishers and I have generated some anecdotal information to help quantify the impacts of including out-of-state landings on your total pot limit assignments for this meeting:

FROM STATE OF WASHINGTON: Based on approximately 13 Washington and California Permit Holders. Of those, 5 permits were purchased after the window period so no change would occur. 7 were held during the window and would increase if out-of-state landings were included. And 1 we do not know the history so are assuming the largest spread possible. Estimated pots under present rules: 3,425. Estimated under out-of-state addition: 4,500. Estimated increase 1,175 total for Washington boats with addition of out-of-state landings. **ESTIMATED TOTAL INCREASE FROM WASHINGTON: 1,175 pots, 34% CHANGE to vessels, $1175/177675=.6613\%$ change in total California pots.**

FROM BROOKINGS, OREGON: Based on 33 vessels having California and Oregon permits. 10 vessels would have no change. 4 vessels have Grand Fathered permits. 2 vessels we used largest spread (had no info) 17 vessels would increase. Estimated total pots under present rules: 8,925. Estimated total under out-of-state additions: 11,975. **ESTIMATED TOTAL INCREASE FROM 29 VESSELS IN BROOKINGS: 3,875 pots, 43% change to vessels, $3875/177675=2.18\%$ change in total California pots.** (Grand Fathered Permits not counted except one that had an exceptional transfer (tsunami damage).)

TOTAL ESTIMATED IMPACT FROM WASHINGTON AND BROOKINGS, OREGON VESSELS COMBINED: 42 vessels would increase California pot limit by an estimated 5050 pots. 33% change to vessels. 2.8% change in total California pots.

According to CDFG information non-resident California permit holders have averaged 79 in each of the last nine years (2000-2009). At this time I do not know how many non-resident California permits are held by non-residents who own only California permits. Those permits would not cause any change in total pot limits.

We have gathered information by phone and interview from over half of the non-resident permit holders. Even if you assumed every other non-resident permit qualified for the maximum spread of 325 pots, (which they would not), total estimated impact would be approximately 17,000 pots or a 9.5% increase. A more realistic estimate would be to extrapolate the information gathered thus far and, assuming every non-resident California permit is held by an active fisher from another State who also held it during the window and also held it on the same vessel, (which is not likely), an estimated impact on the total number of California pot numbers would be 4.1% or 7,285 pots. The impact of including out-of-state landings in Washington affected 7% of the vessels and added approximately 3.5% to Washington's total pots (3,200 pots).

WDCFA believes the impact to California's pot limit, with the addition of out-of-state landings, consistent with Oregon and Washington, is not sufficient to jeopardize the management authorities we presently have in place. These special management authorities are the direct result of a co-operative and co-ordinated policy approach. WDFCA also believes the Task Force has the duty, and that you have the means, to recommend a change in the pot limit scheme to the Director to include out-of-state landings in the assignment of pot limit tiers.

Larry Thevik

Board member WDCFA 360 289 2647

PO Box 88 Ocean Shores, WA 98569

April 2, 2012

California Crab Task Force:

My name is Larry Thevik. I have fished crab 42 years. I am a board member of the WDFCA, a member of the Tri-State Crab Committee, and the WA State Crab Advisory Board. I am here today representing WDCFA. Thank you for your time.

Some crab issues are resolved within a state and do not resonate up and down the Coast. Other issues are large in their implications and effects and do resonate up and down the Coast. Whether it be the abundance of crab, Domoic acid levels in crab, the price of crab, the condition of crab--all of these issues cause ripple effects that reach each of us one way or another. The displacement of Washington fishers because of tribal obligations has changed the crab fishery in Southern California, 1000 miles away. The California decision to exclude out-of-state landings in determining pot limits also resonates over the entire Coast and is cause for grave concern. At stake--beyond the direct effect on fisher's pot limits--are the fundamental management tools we have used and the co-operative inter-State management climate we have tried to maintain. Staying your present course will likely bring challenges to the validity of our several State restrictions on where fishers can fish (LE 200). Without LE 200 you will have to consider all vessels histories whether they have a California license or not when fishing in the EEZ off of California. Washington did exactly that until 2006 when Oregon and Washington agreed to geographically restrict where their permitted fishers could fish, (California passed similar restrictions later). We have several layers of management authorities unique to our Pacific Coast--maintaining your present course is likely setting the stage to peel those layers back.

The out-of-state landings issue has been a recurring theme throughout the history of the Crab Task Force. Under SB1690 in three different Task Force Report Summaries, (Jan. 15 2010, March 31, 2010 and Nov. 3, 2010), reference is made to the need to clarify whether or not California should include out-of state landings and that determination should be made before implementation of a pot limit plan, (can find this referenced in archived reports on OPC website). Under SB369 the out-of-state landings issue continues unresolved. According to Task Force Meeting Summary of March 12, 2012 meeting—Staff was charged with securing a legal opinion regarding exclusion of out-of-state landings and providing data to the Task Force that would help demonstrate the impact of including or not including out-of-state landings. WDCFA welcomes the Task Force request for that information and is eager to hear the results of Staff's inquiries.

LEGAL OPINION:

In the mean time WDCFA asked our attorney, Thane Tienson, to prepare a legal opinion on SB369, the out-of-state landings issue, and the vulnerabilities California's Law may face by excluding such landings. WDCFA is offering that opinion to the Task Force for review and hope, in conjunction with what your Staff has been asked to provide, it will help the Task Force come to an informed decision on the inclusion or exclusion of out-of-state landings.

IMPACT OF INCLUDING OUT-OF-STATE LANDINGS:

The Task Force also asked Staff to provide data on pot limit assignments that might help better identify the impact on the pot limit scheme by including out-of-state landings. I do know that the State of Washington and the State of Oregon are presently trying to exchange information with your Dept. of Fish and Game. This data will help to define the impact on their permitted vessels under your default California pot limit plan.