EXHIBIT 5

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11	SONOMA COUNTY ABALONE NETWORK	
12	UNITED STATES	S DISTRICT COURT
13		RICT OF CALIFORNIA
14		
15	THE OTTER PROJECT; ENVIRONMENTAL) Case No: 5:09-cv-04610-JW
16	DEFENSE CENTER,	DECLARATION OF HARRY LIQUORNIK
17	Plaintiffs,) [Filed Concurrently With:
18	VS.	 Notice of Motion and Motion of California Sea Urchin Commission, Peter Halmay, Harry
19	KEN SALAZAR, <i>et al.</i> ,	Liquornik, California Abalone Association,
20	Defendants.	and Sonoma County Abalone Network For Leave to Intervene Under FRCP 24;
20		 Memorandum in Support Thereof; Declaration of California Sea Urchin
22		 Commission; 4. Declaration of Peter Halmay
23		5. Declaration of California Abalone Association
24		6. Declaration of Sonoma County Abalone
25		Network;7. [Proposed] Order
26) 8. [Proposed] Answer in Intervention]
27		 Hearing Date: March 8, 2010 Time: 9:00 a.m.
28) Courtroom: 8, 4 th Floor
	162448_1.DOC Case No: 5:09-cv-04610-JW DECLARATION OF HARRY LIQUORNIK	

DECLARATION OF HARRY LIQUORNIK

1. I, Harry Liquornik, reside in Santa Barbara, California. I have been a full time commercial fisherman and diver in the Santa Barbara and Channel Islands area for 24 years. During those 24 years, my primary source of income has been from commercial fishing for sea urchins and abalone. Since 1997, my primary source of income has been fishing commercially for sea urchins.

2. If the no otter management zone is eliminated and sea otters expand their range into that zone, feeding on sea urchins by otters will so reduce the sea urchin population that existing commercial fisheries will be forced to close. If I am unable to fish in the Channel Islands area, my sea urchin operation will cease. I have over \$100,000 invested in my boat and equipment and my annual average gross income is \$140,000. All that will be lost if the no otter management zone ceases to exist. The only other fishery in which I can participate, the nearshore rockfish fishery, has a very restricted quota and will not generate enough income to allow me to remain a full time commercial fisherman. This means that I, and my crew member, will have to find other work or become unemployed.

3. For many years, I have been involved with fishery management issues. From 1995 through today, I have served as the Secretary and Vice President of the California Abalone Association ("CAA"). CAA was formed in 1971 and is a volunteer organization with 87 former abalone permit holder members. The current focus of the organization is to restore and steward a market abalone fishery in California that utilizes modern management concepts, protects and enhances the resource, and guarantees a sustainable resource for the future. If sea otter range expansion continues, all abalone restoration efforts will be moot and there will be no possibility of ever reopening a commercial alalone fishery, as is now planned. Approximately half of CAA members also fish for sea urchins in the sea otter management zone.

4. From 1997 to the present, I have served as the President of the Commercial Fishermen of Santa Barbara, Inc. ("CFSB"). CFSB was formed in 1971 and has represented the various fisheries and

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cucumber, halibut, and near shore rockfish. CFSB's purpose is to initiate, sponsor, promote, and carry out plans policies and activities that will further the prosperity and development of the commercial fishing industry of Santa Barbara. Currently about 80 fishing boats operate full time out of Santa Barbara. An additional 80 vessels operate part time. In 2008, the ex-vessel value of these landings totaled \$7,182,704 based on California Department of Fish and Game port landing data. If sea otters expand into the management zone, sea otter predation on shellfish will so reduce shellfish populations that a commercial harvest will no longer be economically feasible. The potential losses to these fishermen if the sea otter management zone is abolished is almost \$5.0 million based on total 2008 shellfish landings (sea urchin \$2,427,306, lobster \$1,563,258, crab \$ 841,373, spider crab \$13,125, welks \$25,655).

fishermen operating out of Santa Barbara. These fisheries include lobster, crab, abalone, sea urchin,

5. From 2008 to the present, I have served as the Port Representative to the California Sea Urchin Commission ("CSUC"). The purpose of the CSUC is to represent the California sea urchin industry's interests and to ensure a sustainable sea urchin resource and a reliable supply for domestic consumption and export. CSUC seeks to support strong local coastal communities, fair levels of income for the thousands of persons engaged in sea urchin commercial fishing enterprises, and the historically significant cultural and community resources of California's coastal areas.

6. California Department of Fish and Game landing records, and sea urchin log book data, show that in the years preceding 1997 the area from Santa Barbara to Point Conception had sea urchin landings approximating 600,000 pounds annually. The area between Point Conception and Santa Barbara includes six fishing areas designated as "blocks" by the California Department of Fish and Game. When approximately 100 sea otters moved south of Point Conception into the management zone in the winter of 1997-1998, they consumed so many sea urchins in blocks 657, 656, and 655 that the sea urchin fishery was no longer viable because sea otter predation reduced the sea urchin populations

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below harvestable levels. The same thing occurred in blocks 654, 653, and 652 in the winter of 1998-1999 when another 100 sea otters moved into these areas of the management zone. Because of sea otter predation, these areas are no longer productive fishing grounds for sea urchins and I can no longer fish in these areas. Due to the enormous amount of sea urchins consumed by sea otters, if sea otters expand their range into the management zone, sea otter predation will reduce the remaining sea urchin population to levels that will not allow a commercial fishery.

7. Because my primary fishing grounds were effectively eliminated due to sea otter predation on abalone and sea urchins as described in the preceding paragraph, I am now forced to fish in the Channel Islands, an area 24 - 65 miles distant from my previously traditional fishing grounds. This has resulted in a 30%-50% increase in operating costs. Higher operating costs, coupled with the loss of my primary fishing grounds due to otter predation, has reduced my income by approximately 50%. Elimination of the no otter management zone will effectively eliminate the rest of my income as otters enter the management zone and prey on sea urchins. Sea otter predation on abalone in the management zone will likely also prevent the abalone commercial fishery from ever reopening.

I hereby declare and certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. It is based on my personal knowledge and, if I were called to testify in this court proceeding, my testimony would be the same as that contained in this Affidavit.

Dated: December 1, 2009

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Harry Liquornik

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