

EXHIBIT 5

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CALIFORNIA SEA URCHIN COMMISSION,
10 PETER HALMAY, HARRY LIQUORNIK,
CALIFORNIA ABALONE ASSOCIATION, AND
11 SONOMA COUNTY ABALONE NETWORK

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 THE OTTER PROJECT; ENVIRONMENTAL)
16 DEFENSE CENTER,)
17 Plaintiffs,)
18 vs.)
19 KEN SALAZAR, *et al.*,)
20 Defendants.)

Case No: 5:09-cv-04610-JW
DECLARATION OF HARRY LIQUORNIK
[Filed Concurrently With:
1. Notice of Motion and Motion of California
Sea Urchin Commission, Peter Halmay, Harry
Liquornik, California Abalone Association,
and Sonoma County Abalone Network For
Leave to Intervene Under FRCP 24;
2. Memorandum in Support Thereof;
3. Declaration of California Sea Urchin
Commission;
4. Declaration of Peter Halmay
5. Declaration of California Abalone
Association
6. Declaration of Sonoma County Abalone
Network;
7. [Proposed] Order
8. [Proposed] Answer in Intervention]
Hearing Date: March 8, 2010
Time: 9:00 a.m.
Courtroom: 8, 4th Floor

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

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

20 6. California Department of Fish and Game landing records, and sea urchin log book data,
21 show that in the years preceding 1997 the area from Santa Barbara to Point Conception had sea urchin
22 landings approximating 600,000 pounds annually. The area between Point Conception and Santa
23 Barbara includes six fishing areas designated as "blocks" by the California Department of Fish and
24 Game. When approximately 100 sea otters moved south of Point Conception into the management zone
25 in the winter of 1997-1998, they consumed so many sea urchins in blocks 657, 656, and 655 that the sea
26 urchin fishery was no longer viable because sea otter predation reduced the sea urchin populations
27
28

1 below harvestable levels. The same thing occurred in blocks 654, 653, and 652 in the winter of 1998-
2 1999 when another 100 sea otters moved into these areas of the management zone. Because of sea otter
3 predation, these areas are no longer productive fishing grounds for sea urchins and I can no longer fish
4 in these areas. Due to the enormous amount of sea urchins consumed by sea otters, if sea otters expand
5 their range into the management zone, sea otter predation will reduce the remaining sea urchin
6 population to levels that will not allow a commercial fishery.

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

16
17 I hereby declare and certify, under penalty of perjury under the laws of the United States of
18 America, that the foregoing is true and correct. It is based on my personal knowledge and, if I were
19 called to testify in this court proceeding, my testimony would be the same as that contained in this
20 Affidavit.

21
22
23 Dated: December 11, 2009


Harry Liquornik